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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1964

No. 40

JOHN W. STANFORD, JR., PETITIONER,

vs.

TEXAS.

ON WRIT OF CERTIORARI TO THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

PETITION FOR CERTIORARI FILED FEBRUARY 26, 1964
CERTIORARI GRANTED JUNE 22, 1964

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964

No. 40

JOHN W. STANFORD, JR., PETITIONER,

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ON WRIT OF CERTIORARI TO THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

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[fol. A] Caption (omitted in printing).

IN THE 57th JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

IN RE:

JOHN WILLIAM STANFORD, JR., also known as John Stanford, Jr.

[fol. B]

IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

No. 158,480

The State of Texas
County of Bexar

APPLICATION TO DETERMINE LEGALITY OF SEARCH WARRANT—Filed January 9, 1964

To the Honorable Judge of Said Court:

Comes now Petitioner, John William Stanford, Jr., also known as John Stanford, Jr., and moves the Honorable Solomon Casseb, District Judge, who acted as Magistrate in the above styled and numbered matter, to quash, set aside, and hold for naught, the search warrant previously issued by this Court on December 27, 1963, in the above styled and numbered matter and to return to John Stanford, Jr., all books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, and all other items then and there seized on the following alternative grounds, each ground being depended on by itself alone by John Stanford, Jr., in the alternative and in the disjunctive, to wit:

1. Because the affidavit signed by V. Murray Jordan and Lonny F. Zweiner, under which the search warrant at question was issued, did not contain the essential showing required by Article 6889-3A, Revised Civil Statutes of

Texas, that the premises to which the warrant related was a place either where some specified phase or phases of this [fol. C] Article or Article 6889-3, Revised Civil Statutes of Texas, were violated or being violated at the time, or where were kept books, records, pamphlets, receipts, cards, lists, memoranda, pictures, recordings, or written instruments showing a violation of some phase or phases of these Articles, but rather said affidavit merely states that books, records, pamphlets, receipts, cards, lists, memoranda, pictures, recordings, or written instruments concerning the Communist Party of Texas were on the premises at question; or,

2. Because the affidavit signed by V. Murray Jordan and Lonny F. Zweiner, under which the search warrant was issued, did not conform to Article 6889-3A making the procedure for issuing search warrants contained in Title 6 of the Code of Criminal Procedure of Texas applicable to a search warrant issued under that Article, except as provided therein, because Articles 309, 310, and similar articles of that Code require that property authorized to be seized be accurately described as related to the commission of a crime, and this was not done by merely stating in the affidavit that there were books, records, pamphlets, receipts, cards, lists, memoranda, pictures, recordings, or written instruments concerning the Communist Party of Texas on the premises at question; or,

3. Because neither the application for the search warrant nor the affidavit in support thereof either made a showing of probable cause for the issuance of the warrant [fol. D] or sufficiently describe the things to be seized under it, and, therefore, was in violation of John Stanford, Jr.'s right to be free of an unreasonable search and seizure as guaranteed not only by Section 9 of Article 1, the Bill of Rights of the Constitution of the State of Texas, but also by the similar provisions of the Fourth Amendment and Due Process of Law clause of the Fourteenth Amendment of the Constitution of the United States of America; or,

4. Because the search and seizure at question was in violation of Section 10 of Article 1, the Bill of Rights of

the Constitution of the State of Texas, and of the Fifth and Fourteenth Amendments to the Constitution of the United States of America in that private papers, record, letters, and books of John Stanford, Jr. were obtained on a compulsory basis by the Criminal District Attorney of Bexar County, Texas, thereby forcing John Stanford, Jr. to testify against himself because under the search warrant issued a seizure was made of the private letters, papers, records, and books of John Stanford, Jr., by the Criminal District Attorney of Bexar County, Texas, thereby compelling John Stanford, Jr. to give evidence against himself in a criminal case; or,

5. Because the Criminal District Attorney of Bexar County, Texas, as well as his predecessors, has believed and been of the opinion for months, if not years, that John [fol. E] Stanford, Jr., has allegedly possessed books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, and other written instruments purportedly concerning the Communist Party of Texas and thus the search warrant was issued without probable cause or without the brevity of time constituting probable cause; or,

6. Because the issuance of said search warrant violated the rule of privileged communications between attorney and client in that John Stanford, Jr. has previously corresponded with a Houston, Texas, attorney at law, Ben G. Levy, Esquire, regarding Article 6889-3 and Article 6889-3A, Revised Civil Statutes of Texas, and said privileged communications, that is, letters to and from said attorney were seized under the aforesaid search warrant in violation of the privileged communication rule aforesaid; or,

7. Because the government of the United States of America has preempted the field of alleged seditious and subversive activities so as to have a uniform national standard of what is and what is not seditious and subversive rather than fifty different standards in fifty different states, and that thereby this Honorable Court was without jurisdiction to grant the search warrant under which the home of John Stanford, Jr. was searched and items of his personal property therein seized; or,

[fol. F] 8. Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Sections 8 and 27 of the Texas Constitution, and the First and Fourteenth Amendments to the United States Constitution, all of which forbid the infringement of the freedoms of speech, press, assembly and petition; or,

9. Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Section 9 of the Texas Constitution, and the Fourth and Fourteenth Amendments to the United States Constitution, all of which forbid unreasonable searches and seizures, and the issuance of search warrants except on probable cause, and require that the things to be seized be particularly described; or,

10. Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Section 10 of the Texas Constitution, and the Fifth and Fourteenth Amendments to the United States Constitution, [fol. G] all of which guarantee the right not to be compelled to give evidence against oneself; or,

11. Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Section 10 of the Texas Constitution, and the Sixth and Fourteenth Amendments to the United States Constitution, all of which guarantee that an accused shall be informed of the nature and cause of the accusation, shall have the right to confront the witnesses against him, shall have the right to compulsory process, and the right to assistance of counsel for his defense; or,

12. Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Section 19, of the Texas Constitution, and the Fourteenth Amendment to the United States Constitution, in that the statute is so vague and uncertain that it denies John Stanford, Jr. of his liberty and property without due process of law.

John Stanford, Jr.

[fol. II] American Civil Liberties Union, 156 Fifth Avenue, New York 10, New York, By: Maury Maverick, Jr., Attorney at Law and Local Counsel for American Civil Liberties Union.

[File endorsement omitted]

[fol. I]

IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

No. F-158,480

The State of Texas
County of Bexar

ORDER TO HAVE HEARING REGARDING SEARCH WARRANT—
Rendered: January 9th, 1964

This 9th day of January, 1964, came on to be heard the application of John William Stanford, Jr., also known as John Stanford, Jr., to quash, set aside, and hold for naught the search warrant previously issued by the Honorable Solomon Casseb, as Magistrate, on December 27, 1963, in the above styled and numbered matter, and to return to the said John William Stanford, Jr. all books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, and all other items then and there seized, and the Court being of the opinion that there should be a

hearing regarding the issuance of said search warrant, it is hereby ordered that a hearing regarding the issuance of the aforesaid search warrant and the relief applied for by John Stanford, Jr., shall be had in the 57th Judicial District Court of Bexar County, Texas, at 9:00 o'clock AM, on the 17th day of January, 1964.

Solomon Casseb, District Judge.

[fol. J]

IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

No. F-158,480

IN RE:

JOHN WILLIAM STANFORD, JR.

SEARCH WARRANT

ANSWER TO APPLICATION TO DETERMINE LEGALITY OF SEARCH WARRANT—Filed January 17, 1964

To the Honorable Judge of Said Court:

Now comes the State of Texas by and through the Criminal District Attorney of Bexar County and files this Answer to the Application to Determine the Legality of the Search Warrant filed herein by the State of Texas, and for such answer would show the Court:

I.

That the Motion to Quash the Search Warrant and set it aside is a preliminary matter to a trial on the merits of the issues that may be involved in this case and will not lie since the proper method of attack on the validity of a search is objection at the time the items are offered in evidence at the trial.

II.

That the magistrate issuing the search warrant is not by the nature of the office the proper forum for the determination of issues of Constitutional law involving illegal searches and seizures. That this court sitting as a magistrate is not authorized to determine such issues.

III.

That the sole issue for determination by the issuing magistrate is whether or not there was good grounds for the issuance of the warrant and the sole test in this hearing is the satisfaction of the magistrate in accordance with Article 329, C.C.P. That this issue must be determined by the affidavits, warrant and the nature of the property seized.

[fol. K]

IV.

The State denies that the affidavits supporting the warrant are invalid for any reason stated by Petitioner. The State denies that the application for the search warrant is invalid for any reason stated by Petitioner. The State denies that the search warrant is invalid for any reason stated by Petitioner. The State denies that the inventory of property seized is invalid for any reason stated by Petitioner.

V.

That the State of Texas denies that it knowingly seized any communication between petitioner and his attorney which would violate the attorney-client privilege.

VI.

That the State of Texas denies that the Congress of the United States has pre-empted the field of investigation of subversive and seditious activities when such activities involve the overthrow of the State of Texas.

VII.

The State also denies that the search here involved violates any provision of the Texas or United States Constitutions.

VIII.

The State herewith tenders to the Court for return to the Petitioner certain papers and files, a list of which will be supplied the Court, of a personal nature seized by inadvertence with other files of the Petitioner.

Respectfully submitted,

James E. Barlow, Criminal District Attorney.

[fol. L] [File endorsement omitted]

[fol. M]

IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

No. F-158,480

IN RE:

JOHN WILLIAM STANFORD, JR.

SEARCH WARRANT

JUDGMENT—January 20, 1964

On the 17th day of January, 1964, came on to be heard the Application of the Petitioner, John W. Stanford, Jr., to Determine the Legality of the Search Warrant issued in this cause, and the Petitioner appeared in person and by and through an Attorney representing the American Civil Liberties Union and the State appeared by and through the Criminal District Attorney of Bexar County, Texas, and the representatives of the Attorney General of Texas, and the Court having considered the pleadings and the evidence in the cause, and this Court sitting as a magis

trate, as it has jurisdiction to do so under Title 6 of the Code of Criminal Procedure of Texas.

Denies the relief prayed for by the Petitioner herein. Costs are taxed to Petitioner.

Signed this the 20 day of January, 1964.

Solomon Casseb, District Judge, 57th Judicial District of Bexar County, Texas.

James E. Barlow, Criminal District Attorney, Bexar County, Texas.

Approved as to form only:

Maury Maverick, Jr., Attorney for American Civil Liberties Union.

[fol. N] [File endorsement omitted]

[fol. O]

IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

No. F-158,480

IN RE:

JOHN WILLIAM STANFORD, JR.

SEARCH WARRANT

STIPULATION—Filed January 20, 1964

It is stipulated by and between the Petitioner, John William Stanford, Jr., acting by and through his attorney, Maury Maverick, Jr., of the American Civil Liberties Union, and the State of Texas, acting by and through the Criminal District Attorney of Bexar County, Texas, that the ruling of the Magistrate in this cause is not appealable to any Appellate Court in the State of Texas, and that such ruling is a final ruling under the State law of Texas.

James E. Barlow, Criminal District Attorney, Bexar County, Texas.

Maury Maverick, Jr., Attorney, American Civil Liberties Union.

Approved:

Solomon Casseb, District Judge, 57th Judicial District of Bexar County, Texas.
Magistrate

[fol. P] [File endorsement omitted]

[fol. Q]

IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS

No. F-158,480

IN RE:

JOHN WILLIAM STANFORD, JR.

SEARCH WARRANT

MOTION FOR NEW TRIAL—Filed January 29, 1964

To the Honorable Judge of Said Court:

Now Comes John William Stanford, Jr., Applicant in the above entitled and numbered cause and moves the Court to set aside its judgment rendered herein on the 20th day of January, 1964 and grant him a new trial for the following reasons:

First: Because the judgment of the Court is contrary to the law.

Second: Because the judgment of the Court is contrary to the evidence.

Third: Because the affidavit signed by V. Murray Jordan and Lonny F. Zweiner, under which the search warrant at question was issued, did not contain the essential showing required by Article 6889-3A, Revised Civil Statutes of Texas, that the premises to which the warrant related was a place either where some specified phase or phases of this Article or Article 6889-3, Revised Civil Statutes of Texas, were violated or being violated at the time, or where were kept books, records, pamphlets, receipts, cards, lists, memoranda, pictures, recordings, or written instruments showing a violation of some phase or phases of these Articles, but rather said affidavit merely states that books, records, pamphlets, receipts, cards, lists, memoranda, pictures, recordings, or written instruments concerning the Communist Party of Texas were on the premises at question.

Fourth: Because the affidavit signed by V. Murray Jordan and Lonny F. Zweiner, under which the search warrant was issued, did not conform to Article 6889-3A making the procedure for issuing search warrants contained in Title 6 of the Code of Criminal Procedure of Texas applicable to a search warrant issued under that Article, except as provided therein, because Articles 309, 310, and similar articles of that Code require that property authorized to be seized as accurately described as related, [fol. R] to the commission of a crime, and this was not done by merely stating in the affidavit that there were books, records, pamphlets, receipts, cards, lists, memoranda, pictures, recordings, or written instruments concerning the Communist Party of Texas on the premises at question.

Fifth: Because neither the application for the search warrant nor the affidavit in support thereof either made a showing of probable cause for the issuance of the warrant or sufficiently describes the things to be seized under it, and therefore was in violation of John William Stanford, Jr.'s right to be free of an unreasonable search and seizure as guaranteed not only by Section 9 of Article 1, the Bill of Rights of the Constitution of the State of Texas, but also by the similar provisions in the Fourth Amendment

and Due Process of Law clause of the Fourteenth Amendment of the Constitution of the United States of America.

Sixth: Because the search and seizure at question was in violation of Section 10 of Article 1, the Bill of Rights of the Constitution of the State of Texas, and of the Fifth and Fourteenth Amendments of the Constitution of the United States of America in that private papers, records, letters, and books of John Stanford, Jr. were obtained on a compulsory basis by the Criminal District Attorney of Bexar County, Texas, thereby forcing John Stanford, Jr. to testify against himself because under the search warrant issued a seizure was made of the private letters, papers, records, and books of John William Stanford, Jr. by the Criminal District Attorney of Bexar County, Texas, thereby compelling John William Stanford, Jr. to give evidence against himself in a criminal case.

Seventh: Because the Criminal District Attorney of Bexar County, Texas, as well as his predecessors, has believed and been of the opinion for months, if not years, that John William Stanford, Jr. has allegedly possessed books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, and other written instruments purportedly concerning the Communist Party of Texas and thus the search warrant was issued without probable cause or without the brevity of time constituting probable cause.

[fol. 8] *Eighth*: Because the issuance of said search warrant violated the rule of privileged communications between attorney and client in that John William Stanford, Jr. has previously corresponded with a Houston, Texas attorney at law, Ben G. Levy, Esquire, regarding Article 6889-3 and Article 6889-3A, Revised Civil Statutes of Texas, and said privileged communications, that is, letters to and from said attorney, were seized under the aforesaid search warrant in violation of the privileged communications rule aforesaid.

Ninth: Because the government of the United States of America has preempted the field of alleged seditious and subversive activities so as to have a uniform national

standard of what is and what is not seditious and subversive rather than fifty different standards in fifty different states, and that thereby this Honorable Court was without jurisdiction to grant the search warrant under which the home of John William Stanford, Jr. was searched and items of his personal property therein seized.

Tenth: Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Sections 8 and 27 of the Texas Constitution, and the First and Fourteenth Amendments of the United States Constitution, all of which forbid the infringement of the freedoms of speech, press, assembly and petition.

Eleventh: Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Section 9 of the Texas Constitution, and the Fourth and Fourteenth Amendments of the United States Constitution, all of which forbid unreasonable searches and seizures, and the issuance of search warrants except on probable cause, and require that the things to be seized be particularly described.

Twelfth: Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, [fol. T] violate Article 1, Section 10 of the Texas Constitution, and the Fifth and Fourteenth Amendments to the United States Constitution, all of which guarantee the right not to be compelled to give evidence against oneself.

Thirteenth: Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Section 10 of the Texas Constitution, and

the Sixth and Fourteenth Amendments to the United States Constitution, all of which guarantee that an accused shall be informed of the nature and cause of the accusation, shall have the right to confront the witnesses against him, shall have the right to compulsory process, and the right to assistance of counsel for his defense.

Fourteenth: Because Articles 6889-3 and 6889-3A of the Revised Civil Statutes of Texas, on their face or as construed and applied in this case, and the search warrant issued under the purported authority of said statutes, violate Article 1, Section 19 of the Texas Constitution, and the Fourteenth Amendment to the United States Constitution, in that the statute is so vague and uncertain that it denies John William Stanford, Jr. of his liberty and property without due process of law.

Wherefore, Your Applicant prays the Court that its judgment as aforesaid be set aside and that he be granted a new trial herein.

Maury Maverick, Jr. as attorney for American Civil Liberties Union on behalf of John William Stanford, Jr.

[File endorsement omitted]

[fol. U]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

No. F-158,480

IN RE:

JOHN WILLIAM STANFORD, JR.

SEARCH WARRANT

ORDER OVERRULING MOTION FOR NEW TRIAL—
January 29, 1964

On this 29th day of January, 1964, at a regular term of this Court, came on to be heard in this cause the application of John William Stanford, Jr. to set aside the judgment of the Court rendered against him on the 20th day of January, 1964 in the above entitled and numbered cause, and said Motion having been duly heard and considered, the Court is of the opinion that the same should be overruled.

It is therefore Considered and Ordered by the Court that the Motion for new trial herein be, and the same is hereby in all things overruled, to which said judgment and the ruling of the Court, Applicant then and there excepted and in open Court gave notice of appeal to the Supreme Court of the United States of America.

Signed this 29 day of January, 1964.

Solomon Casseb, Jr., Judge Presiding.

Approved as to Form:

Maury Maverick, Jr., James E. Barlow.

[fol. W] Clerk's Certificate to foregoing transcript (omitted in printing).

[fol. X]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

No. F-158,480

In Re:

JOHN WILLIAM STANFORD, JR.

Be it remembered, that theretofore, on the 17th day of January, A. D., 1964, came on for a hearing, the above entitled and numbered cause, before Honorable Solomon Casseb, Jr., Judge of said Court, whereupon the following testimony was had and evidence adduced:

Statement of Facts—January 17, 1964

APPEARANCES:

For the applicant: Mr. Maury Maverick, Jr., Attorney at Law, Maverick Building, San Antonio, Texas.

For the State of Texas: Mr. James Barlow, District Attorney, Bexar County Courthouse, San Antonio, Texas; Mr. Lonny Zwiener and Mr. Murray Jordon, Assistant Attorney Generals for the State of Texas.

[fol. 1] MR. JESSE DOBBS, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?
A. Jesse Dobbs.
Q. Where are you employed?
A. I'm a United States Marshal for the Western District of Texas.
Q. Which includes San Antonio?
A. Yes, sir.
Q. And, Bexar County?

A. Yes, sir.

Q. Now, was a subpoena duces tecum served upon you?

A. Yes, sir.

Q. To bring certain papers with you?

A. Yes, sir.

Q. Did you bring those papers with you?

A. I brought what I had, yes, sir.

Q. Have you ever seen John William Stanford, Jr. before?

A. Yes, sir, I have.

Q. Did you see him on December 26, 1963?

A. Yes.

[fol. 2] Q. What happened that day, when you saw him?

A. At that time, I served him with a process.

Q. What was that process?

A. Well, it was an Order—a Report and Order, issued by the Subversive Activities Control Board.

Q. Of the United States Government?

A. Yes, sir.

Q. For him to do what?

A. For him to register.

Q. Under the Laws of the United States of America?

A. Yes, sir.

Q. Please mark this for identification.— Mr. Dobbs, I hand you applicant's Exhibit Number .... marked one for identification, and ask you to please tell me what that is?

A. Without looking all the way through it, this appears to be the Order that I served on Mr. Stanford, which is the Report and Order of the Subversive Activities Control Board.

Q. Now, will you—what—what is the stamping in the upper right hand corner of that?

A. The stamp, "Received, United States Marshal, December 26, 1963, Western District of Texas, San Antonio, Texas."

Q. Alright—

OFFERS IN EVIDENCE AND OBJECTIONS THERETO

Mr. Barlow: Alright, are you offering it into evidence?

Mr. Maverick: Yes, sir.

[fol. 3] Mr. Barlow: I'm going to object to it as being immaterial and irrelevant to any issues in this cause. This

hearing is on the validity of a search warrant, and the search and seizure made in the house of John Stanford, and number two, it is not material to this, what the United States—what action has been taken by the Attorney General of the United States or the Subversive Activities Control Board of the United States, or any other Order of the United States Government, to the issues which is—which is—which are on trial here, which is a Magistrate's Hearing to determine the validity of the search.

The Court: The affidavit for the search warrant was made under the provisions of the State Statutes, is that correct?

Mr. Barlow: Yes, sir, that's right. The affidavit for the search warrant is made under the provisions of the State Statutes, and the application is made under the State Statutes, and I think it's immaterial and irrelevant.

[fol. 4] The Court: What's the materiality of this, counsel?

Mr. Maverick: Your Honor, I can cite opinion after opinion to you by the Supreme Court of the United States and particularly the case of Pennsylvania v. Nelson, 350 U.S. 497, opinion by Chief Justice Warren, where the State of Pennsylvania, declared it unconstitutional, and they said where the Federal Government has acted as it has here in this Stanford case, that the field of prohibited activities—

The Court: I'll withhold my ruling on that until I hear it all. Let's proceed, and I'll hear your legal arguments on it later.

Mr. Maverick: One moment, please—

The Court: Alright.

By Mr. Maverick:

Q. Mr. Dobbs—I'll ask you, Mr. Dobbs, if this Report, which you served on John William Stanford, Jr., Applicant in this case, is entitled, "Report and Order of the Board of Subversive Activities Control Board, Docket Number 1-21-63, Robert F. Kennedy, Attorney General of the United States, Petitioner v. John William Stanford, Jr., Respondent," dated, December 20, 1963?

A. That's right.

[fol. 5] Q. Would you please show me what papers you brought with you showing you had service of citation, or service of process upon Stanford?

Mr. Barlow: I want to object to all of this. My objection goes to all this line of questioning on the same grounds.

Mr. Maverick: I haven't made my Motion to Move it in, yet.

Mr. Barlow: That's alright—as to the questions about the Order, I want to reserve my objections to it on the same grounds.

Mr. Maverick: Your Honor, I ask the help of the Court in this regard. Now the Federal authorities, I imagine, will want these originals back, and I would like to have them marked and moved into evidence later on, and we can have copies made of them or do you want these returned to your office, now?

By witness:

A. If it please the Court, I have thermofax copies made of this.

The Court: Okay, have the originals so marked, and the Court will permit you to substitute these thermofax copies for the originals, and the originals can be returned.

[fol. 6] Q. I hand you Applicant's Exhibit Number 2, and ask you what that is?

A. This is—is a letter, a cover letter that I received with the Report and Order that was served on Mr. Stanford, sent by Frank R. Hunter, Jr., General Counsel for the Subversive Activities Control Board.

Q. I hand it to Mr. Barlow, and now, move it into evidence.

Mr. Barlow: I would like to look at all of these.

Mr. Maverick: Well—

Mr. Barlow: If you are going to move them all in—

Mr. Maverick: I'm going to move them all in, but I want him to identify them. He is going to Austin. He has to leave for a Court appearance for Judge Spears, I think, in Austin, and he has to be there at 11:00 o'clock, so I can't—I've got to talk to him about it, now. I haven't offered

these exhibits, Mr. Barlow, with the others, although I am happy to have you look at them in advance.

Mr. Barlow: Are you moving them into evidence?

Mr. Maverick: I'm going to, if you will let me.

The Court: Gentlemen, I would appreciate both of you addressing your remarks to the Court, rather than each [fol. 7] other.

Mr. Barlow: I'm sorry.

The Court: If you want to try this with each other, then, I will go on to something else. Alright. Make your objection.

Mr. Barlow: At this time, he is offering into evidence this, and I want to object to it on the same grounds.

The Court: I'll make the same ruling. Let's proceed.

By Mr. Maverick:

Q. I hand you Applicant's Exhibit Number Three for identification, and ask you what that is?

A. This is a copy of the return executed by me, showing that he had received this Order and it was served at the time and date it was served.

By Mr. Maverick:

Q. I would likewise, move into evidence, Applicant's Exhibit Number Three.

Mr. Barlow: I'm going to object on the same grounds, for the same reasons.

The Court: Same ruling.

By Mr. Maverick:

Q. I hand you Applicant's Exhibit Number 4, and ask you what that is, please?

A. That is a bill from my office to Mr. Robert R. Thur- [fol. 8] ber, Executive Secretary for the Subversive Activities Control Board in Washington, D. C. for the service of this process.

Q. I hand you—I hand Applicant's Exhibit Number Four to Mr. Barlow, and move it into evidence.

Mr. Barlow: I will object on the—for the same reasons previously stated as Applicant's Exhibit Number one, and on the additional reason, I don't see how it can be any of any relevancy or materiality as to this, in regards to the United States Marshal to the Subversive Activities Control Board for service in relation to the issues on this search warrant.

Mr. Maverick: Your Honor, The Supreme Court of the United States has repeatedly said that when the Federal Government has acted then there is a pre-emption to show that there has been affirmative action by the Government of the United States of America.

The Court: I'll make the same ruling.

Q. I hand you applicant's Exhibit Number 5, and tell me, what that is?

[fol. 9] A. That is simply a record of the law offices of the civil case records in this instance of the receiving and serving and returning, their billing of the process we have been discussing.

Q. I now hand applicant's exhibit number five to Mr. Barlow and move it into evidence.

Mr. Barlow: I object on the same grounds.

The Court: The same ruling.

Q. I have no further questions of this witness. Oh, just one more question. Mr. Dobbs, are you going to Austin?

A. Yes, sir.

Q. Now, you want to go to Austin, and you won't be available further, today, is that correct?

A. Well, if the Court needs me, I will—I can always come.

Mr. Maverick: Pass the witness.

Mr. Barlow: No questions. Thank you.

[fol. 10] MR. JOHN GOODE, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?

A. John Goode.

Q. You are an attorney, Mr. Goode?

A. Yes, sir.

Q. I believe you were the former Chairman of the Republican Party here, is that right?

A. Yes.

Q. Have you ever been an Assistant Criminal District Attorney in Bexar County?

A. Yes, during—from the period 1948 to 1950.

Q. Did you work for Bill Hensley and Harvey Hardy?

A. That's right.

Q. They were the Criminal District Attorneys during those times?

A. One was acting Criminal District Attorney, Harvey Hardy was.

Q. I'll ask you if you, at one time during that period, if you were top administrative assistant, or what title did you have?

A. Acting First Assistant Criminal District Attorney.

Q. I'll ask you if, during the time that you worked for [fol. 11] the office of Criminal District Attorney of Bexar County, you had occasion to see John William Stanford, Jr., the man sitting by me?

A. Yes, I did.

Q. Please describe that to the Court.

Mr. Barlow: Now, wait just a minute. I would like to take him on voir dire to fix the time and place this discussion, when it took place.

Q. Alright, when—when—when did you see him, what place did you see him, and where did you see him in your capacity as Assistant Criminal District Attorney of Bexar County, Texas?

A. Yes, as near as I can recall it was either in the latter part of the year 1949 or the early part of 1950, and our office had been requested by Governor Allen Shivers to cooperate with his Security Division and an investigation they were making of Mr. Stanford.

Q. Did Mr. Stanford come to your office?

A. Yes, I believe, as near as I can recall. Our only participation was to try—arrange, or try to arrange an interview with Mr. Stanford, and the Security Division of Governor Shivers office was in charge of the investigation. We might have done some other investigation, but I have no recollection of it.

Q. Were you present during this interrogation?

[fol. 12] A. Yes, I don't believe it was an interrogation. I—we arranged for him to come into the office for an interview, and then, as I recall, the Security Division man handled then the interview.

Q. Then, he came in? Mr. Stanford came in?

A. Yes, sir.

Q. At the—the approximate year you say?

A. Yes.

Q. Was he asked at that time about whether or not he was a Communist?

Mr. Barlow: Well, now—I'll withdraw that question.

By witness:

A. I just don't have any—any clear independent recollection of it. I know that was the basic purpose of the investigation, and I feel sure he did, but I don't recall the questioning on it. We were cooperating by mainly the use of our office.

Mr. Maverick: Pass the witness.

Cross examination.

Questions by Mr. Barlow:

Q. You say this was sometime in the early part of 1950?

A. Or in '49. I went in the office in '48 and left in '51.

Q. Did you have—have you had an opportunity to examine the act known as the Texas Communist Control Law?

A. I have read it.

[fol. 13] Q. It was passed in 1951 by the Fifty-Second Legislature. Was that law in effect at the time you talked to this man?

A. I don't believe it was 1951. I—I—I left the office during the year 1951. I think this probably was 1950.

Q. Alright, the Article 6889-3A, which is the article that defines Supression of Communist Party and related organizations, was passed by the Fifty-third Legislature in 1954. Would it have been in effect at this conversation—at the time this conversation took place?

A. No. It couldn't have been later than 1951. I think it was earlier in 1951.

Q. Now, so I will understand your testimony, are you testifying that Stanford was suspected of communistic activities at this period of time? Is that what you are testifying to, by either Allen Sivers or somebody else in the State Government?

Q. By Governor Shiver's office. That was—

Q. Alright—

A. The purpose.

Q. You interviewed him at that time?

A. They interviewed him.

Q. They interviewed him.

A. I think there's a file in your office on that. At least, [fol. 14] there was at one time, a small file. It wasn't an extensive investigation.

Q. Now then—this—you were present when this interview took place in 1950 or 1951?

A. Yes, sir.

Q. Was there any action taken at that time?

A. No, I don't believe there was.

Q. You don't know whether there was even a law in effect that you could have taken action under at that time?

A. Well, as I say, I don't have any independent recollection. I know that we were—permitted the Security Division to use our office, and we did arrange the interview.

Mr. Maverick: Your Honor, I'm going to object to him asking about that, because the effective dates of those laws are available to—

The Court: He's already answered. Do you have any further questions of this witness?

Mr. Barlow: No, that's all.

Redirect examination.

Questions by Mr. Maverick:

Q. One question. I would like to ask you one question about these dates. Mr. Barlow asked about Article 6889-A. [fol. 15] If he will turn back four pages in that book there was 6889 known as the Texas Communist Control law which was an earlier date. You don't know when that was passed, either?

A. No, I don't.

[fol. 16] Mr. E. L. Richie, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?

A. E. L. Richie.

Q. Where are you employed?

A. Bexar County Courthouse, County Clerk's office.

Q. Were you in charge of the Assumed Names Section?

A. Yes, sir.

Q. Custodian of the records?

A. Custodian of the records.

Q. As custodian of the records, do you have any records pertaining to John William Stanford, Jr., or a business known as "All Points of View."

A. Yes, sir.

Q. Do you have that?

A. Yes, I do.

Q. Are the original records in your possession?

A. Yes, sir, yes, sir.

Q. That's your orginal record. Now, I hand you applicant's exhibit number 6, and ask you what that is, please?

A. That's an Assumed Named Certificate, filed in Bexar County, operated by the people of Bexar County.

[fol. 17] Q. Who does it show it was issued to?

A. It was filed under the name of "All Points of View," Post Office Box 324 by John William Stanford, on April 23, 1962, and signed by him and sworn to before the Clerk —the County Clerk's office by a deputy.

Q. It is presently in effect?

A. Yes, it is.

Q. I hand—also ask you, this is your certified copy of the original record?

A. A certified copy of the original, yes, sir.

OFFER IN EVIDENCE

Q. I hand you applicant's—I hand applicant's exhibit number 6 to Mr. Barlow and move it into evidence.

Mr. Barlow: No objection.

The Court: Alright, let's proceed.

Mr. Maverick: I have no further questioning of this witness. Mr. Barlow, do you have any questions of this witness.

Mr. Barlow: No questions.

The Court: Let the record reflect that the witness is taking back with him the original of said exhibit number 6, and that a certified copy is being substituted therein.

Mr. Maverick: Are you ready to proceed?

The Court: Yes, sir. That's what we are here for.

[fol. 18] MR. BEN SIEGAL, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?
A. Ben Siegal.
Q. How do you spell that?
A. S-I-E-G-A-L.
Q. Where do you work?
A. I work for the San Antonio Light.
Q. You are a newspaper reporter?
A. Yes, sir, that's right.
Q. In your capacity as a newspaper reporter, have you ever been in the home of John William Stanford, Jr., the Applicant in this cause?
A. Yes, sir, I have.
Q. Was that on December 27, 1963?
A. Yes, sir, it was.
Q. Please describe what took place?
A. Well, I got there about 5:15 or 5:20.
Q. What did you see when you got there?
A. Well, I saw a car from the Sheriff's Department parked outside, and two deputies—well, one deputy and a Sheriff's Investigator, and I asked them what was happening, and they said they are checking books inside, and [fol. 19] various papers, so I went inside the home, and Mrs. Stanford allowed me to come in.
Q. Mrs. Stanford was there?
A. Mrs. Stanford was there.
Q. Alright.
A. And, I went to the back portion of the house, which there were a number of deputies and representatives from the State Attorney General's office.
Q. Who was from the State Attorney General's office?
A. The two gentlemen sitting behind Mr. Barlow.
Q. That would be Mr. Zwiener and Mr. V. Murray Jordon, isn't that correct? Do you know this is Lonny Zwiener and V. Murray Jordon? Do you know their names?

A. No, I know their names, but not which is which.

Q. But, those men were there?

A. Yes.

Q. Was Mr. Wagner Carr there?

A. No, I didn't see him.

Q. Was Mr. Barlow there?

A. No. No, I didn't see him, either.

Q. Was anything being carted out of the place, Mr. Siegal?

A. Various books and well, mostly books, from what I could see, and papers.

Q. Were there any filling—filing cabinet being taken out?

[fol. 20] A. I understand later that there were, but at the time I was there, I do not recall seeing a filing cabinet taken.

Q. How many books—how many cartons of books were taken out?

A. Well, Captain Tony Morin of the Sheriff's Department told me about 8:30, after the search was over, there were fourteen boxes that had been ta' n.

Q. How many cartons of books were left in the house, and not taken out, approximately? You and I talked on the phone about this.

A. No, I told you on the phone I did not know. I estimated probably—it would probably be another fifteen or twenty cartons in the house, if they were cartons.

Q. You estimate there were about fifteen or twenty cartons left in the house, of books that were not taken out, is that correct?

A. No, I said there were two rooms filled with books in the back portion of the house.

Q. Were all of the books taken out of the house?

A. When I left, there were books left in the house.

Q. Were there a goodly more—more books taken out of the house than the number that was left in, when you left the house?

[fol. 21] A. I would say there were probably more left in.

Q. Now, did you hear either Mr. Jordon, or the gentleman sitting over there, or Mr. Zwiener telling the officials

and representatives of Mr. Barlow's which book to take and which book not to take?

A. Well, I can't recall. I do know that representatives of the Sheriff's Office were—and District Attorney's office were marking the names of the books down on a piece of paper. The representatives from the State Attorney Generals' office were walking around picking out books at the time I was there. Now, I'm not sure this was true throughout the evening.

Q. I have here in my hand Applicant's exhibit number 7; a book entitled, Cuba, Castro and Communism. The incredible story of the bearded despot who betrayed a revolution, enslaved a nation, and is rattling Russian arms only 90 miles from our shore. I'll ask you if you saw that book, and if you know why the attorney general of Texas didn't take that book out, too?

A. No, I can't say whether I saw this particular book, or not. I don't remember.

Q. Please mark these—I'll hand you Applicant's exhibit number 9, entitled, "The U. S. Response to Soviet Military Buildup in Cuba, by President Kennedy, Report to the People," and ask you, if you know why the Attorney Gen-[fol. 22] eral of Texas and his representatives didn't take that out?

Mr. Zwiener: Your Honor, that's an improper question. It calls for a conclusion.

The Court: I'll sustain your objection.

Mr. Zwiener: I might say, as far as the materialty of this evidence is concerned, I fail to see in any way, the materiality. The law that governs search warrants of the State of Texas, provide that searches and seizures may be made of any specified category of items. One of those are instrumentalities or implements of crime. Now then, unless the counsel will inform the Court and the State of what he attempts to prove by this witness I object at this time to the materiality of this entire line of questioning.

The Court: I sustained your original objection.

Mr. Maverick: Your Honor, I would like to point out that—

The Court: The Court's already ruled, counsel.

Mr. Maverick: Well, for the purposes of—I intend to abide by the Court's ruling, but for the purposes of per-
[fol. 23] fecting my Bill, may I make a statement?

The Court: Show me any law that entitles you to a bill on a hearing before a Magistrate, then I will provide you with it.

Mr. Maverick: I can't show you any law, but I don't know of any other way to protect my client's interest than the following procedure of perfecting my bill.

The Court: Counsel, I sustained his objection as to the question being improper for this witness, there's no predicate having been laid that this witness knew or did not know exactly what was taken out and what was not taken out. Your question was to this witness, was to hand him an exhibit and ask him, do you know why the Assistant Attorney General did not take this book from the premises, and that's why I sustained his objection. Now, let's proceed from there.

Mr. Maverick: That's all.

Cross examination.

Questions by Mr. Barlow:

Q. Had you ever been out to the Stanford place before?

A. No, that was the first time.

[fol. 24] Q. The first time, and you went out there to interview him in the course of your official duty?

A. That's correct.

Mr. Barlow: I believe that's all.

Mr. Maverick: No further questions.

[fol. 25] MR. TONY MORIN, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

OFFERS IN EVIDENCE

Mr. Maverick: Your Honor, I respectfully move into evidence Applicant's Exhibit Number 11, which is the Affidavit signed by V. Murray Jordon and Lonny Zwiener, upon which the application for search warrant was made. I move also into evidence Applicant's Exhibit Number 12, which is entitled The Application for Search Warrant, which is signed by Mr. James Barlow, the Criminal District Attorney of Bexar County, Texas, and finally at this time we move into evidence Applicant's Exhibit Number 13, which is an Order signed by the Honorable Solomon Casseb, as Magistrate, issuing the Search Warrant in question, in which is attached thereto the inventory made of items taken from the home and premises of John William Stanford, Jr.

Mr. Barlow: No objection.

The Court: Alright, they will be admitted.

[fol. 26] Q. State your name, please?

A. Tony Morin.

Q. Where do you work, Mr. Morin?

A. Bexar County Sheriff's Department.

Q. What is your position, there?

A. Captain, Criminal Division.

Q. I'll ask you if you were in the home of John William Stanford, Jr. on December 27, 1963?

A. Yes, sir, I was.

Q. Please describe what took place there?

A. Mr. Charlie Nail and two Assistant Attorney Generals—

Q. Who is Charlie Nail?

A. Chief Investigator for the District Attorney's office.

Q. Bexar County?

A. Of Bexar County.

Q. Alright.

A. Investigator Bob Woolsey, Investigator L. C. Christianson, after getting a search warrant from Judge Casseb, we proceeded to the residence, and served the search warrant on Mrs. Stanford.

Q. Were you—did you go to Judge Casseb's office to—when you—when they went to him to have him sign the order to issue a search warrant—

A. Yes, sir.

[fol. 27] Q. Did you or anyone present tell Judge Casseb that you could not find any—you could not find any Criminal District Judges of Bexar County, Texas, or Anees Semaan?

A. Mr. Barlow handled that.

Q. Well, you were there. Did you hear any statement made to that effect?

A. They tried to get some of the other judges in the courthouse and couldn't find them.

Q. Was that statement made to Judge Casseb?

A. I don't recall, sir.

Q. You don't know it wasn't made?

A. No, sir.

Q. Alright, what time did you get to the Stanford home?

A. Approximately 2:30 on the evening of December 27, 1963.

Q. Were books and records and letters, and so forth taken out of the Stanford home?

A. Yes, sir.

Q. Did you take photographs, or the office of the Sheriff of Bexar County take photographs?

A. One of the investigators took photographs.

Q. Did you bring those photographs with you?

A. No, sir.

Q. Were you served with a subpoena duces tecum?

A. Yes, sir.

[fol. 28] Q. Will you bring them?

A. I don't have the photographs in my possession, sir.

Q. Well, will you go get them?

A. They are in the possession of the District Attorney's office.

Q. Mr. Barlow tells me Mr. Nail has the photographs, and we will have them available, later on. Who decided, so far as you could ascertain, Mr. Morin, as to what books would be taken out of the Stanford home, and what books would not?

A. The members of the Attorney General's office.

Q. They decided—that decision wasn't made by the members of Mr. Barlow's office?

A. Mr. Charlie Nail, the Chief Investigator was with the men.

Q. He was simply taking down a list of books as he was told, having been taken down by some member of the Attorney General's office?

A. Mr. Nail and L. C.—

Mr. Barlow: I'm going to object to this line of testimony. I think it's immaterial and irrelevant, who decided what was going to be taken. The fact of the matter was, it was taken, and I think it's immaterial and irrelevant.

[fol. 29] The Court: I'll overrule the objection.

Mr. Maverick: Pass the witness.

Cross-examination.

Questions by Mr. Barlow:

Q. Tony, had you ever been out to the Stanford house before?

A. No, sir.

Q. There's been a lot said in the newspaper about the fact that the private library books were taken. Was there a separation between the private library books and all the numbers of books that were seized—actually seized?

A. There were two rooms in which—

Q. Two rooms of books?

A. There were books in both rooms. I didn't personally—didn't go through the books.

Q. Now, most of these books—did you see the books that were seized?

A. I saw some of them.

Q. Were—isn't it a fact that there were numerous copies of—there would be one book with numerous copies of one book, fifteen, twenty, thirty copies of one book?

A. Yes, that was called to my attention out there, by some of the other boys.

Q. Of course there weren't all books, were they? There were a lot of pamphlets, a lot of throw-a-way material, [fol. 30] that type of stuff.

A. That's right.

Q. And, there were numerous copies of that. There were not just—on the ordinary, there wasn't just one copy of a book.

A. There were numerous copies.

Q. There would be sometimes as many as twenty or thirty copies of one book.

A. I believe so.

Q. Who actually made the return, wrote out the inventory return as you went?

A. As they were taking the books?

Q. Yes, sir.

A. Mr. Charlie Nail and L. C. Christianson.

Q. A member of the Sheriff's office actually made that inventory or participated in the making that inventory?

A. That's right.

Q. All of this was done under your direction?

A. Yes, sir.

Mr. Barlow: That's all.

Re-direct examination.

Questions by Mr. Maverick:

Q. Mr. Morin, all these books though, were located in this man's private residence, his home, were they not?

[fol. 31] A. That's true.

Q. I notice, referring now to Applicant's Exhibit Number 13, that you—the authorities took from his home, I believe it's about Page 8, one drawer, metal letter size filing cabinet, containing the file on the Gus Hall-Benjamin J. Davis Defense Committee and other files. Do you remember taking that out?

A. Yes, I'll try to get to that page, Mr. Maverick.

Q. You remember. Let me ask you one more question. Now you say you do remember it. Now, let's turn two

pages from the back, and look at one, two, three, four, five lines up from the bottom, so—one folder of copies of letters. Have you ascertained whether or not, and now, this is my question, Mr. Morin. Have you ascertained whether or not this was private correspondence of John William Stanford, Jr. with his attorney, Ben Levy of Houston, the local counsel of Harris County's American Civil Liberty Union?

A. I didn't go into that folder, sir. I wouldn't know.

Q. On the return, I notice that you—excuse me, Your Honor. I'm—

The Court: Alright.

Q. I'll ask you if also you helped take from that home, John William Stanford's—Jr.'s Honorable Navy Discharge, marriage license, house title paper, and automobile title [fol. 32] papers?

A. I don't recall seeing those, sir.

Q. I'll ask you, on Page 10 from the front, back—

The Court: Counsel, these pages are not numbered on the original, so would you mind showing him what you have reference to?

Mr. Maverick: Yes, sir, I will be delighted.

Q. Let's see—well, just a minute, please. I'm sorry to hold you up here. Look at the item marked number 3 at the bottom of the page, a book called, "The New Leader, Section 2, Theodore Draper," known as an anti-communist. Did you happen to see that book?

A. No, sir, these books were placed in cardboard boxes.

Q. Now, look up at item number 24, which has been scratched through, which says, "Yankee, No, Castro, No, Cuba, Si." Did you see that book?

A. No, sir, I don't recall seeing that.

Q. Alright, turning to what is my page 24, rather 20. Excuse me. I'm going to have to hold it to keep it from—

A. Yeah, I see.

Q. Excuse me, Judge. Down to the third item from the top of the sheet, "Yankee, no, Castro, No, Cuba, Si." Did you see those books?

A. No, sir.

Q. Turn to the third page. Get a little variety in my [fol. 33] questions—here, now, did you see about the middle of the page—did you see the book, "Communist Party of the United States," by Earl Browder?

Mr. Barlow: I want to object to this line of testimony on the grounds that the return speaks for itself on what was seized, and this man was in overall charge of the seizure, but there were several other people involved, and the return was made of each and every item taken out of there, and the return would speak for itself, and it's in evidence. It's immaterial and irrelevant to any issue in this case.

Mr. Maverick: I want to show that this man has a business listed with the County Clerk of Bexar County, entitled "All Points of View," that he did have communist, so-called pro-communist books in his library, and he did have so-called anti-communist books in his library, and as we hope to show later on he advertised in national magazines all over America. Now, the affidavit, itself, don't make sense. The affidavit only says this, that he had books in his home, [fol. 34] concerning—concerning the communist party. That's all it says.

Mr. Barlow: No, it don't, either.

The Court: As far as this witness is concerned, whether he saw them or not, so long as they are on the return. The return is made, sworn to, and filed in this Court, and entered into evidence in this hearing by stipulation.

Mr. Maverick: Alright, no further questions.

Cross-examination.

Questions by Mr. Barlow:

Q. Do you know who Gus Hall is?
A. Sir?
Q. Do you know who Gus Hall is?
A. Gus Hall?
Q. Yes, Gus Hall.
A. No.
Q. Do you know who Benjamin Davis is?
A. No, sir.

Q. Do you know who Eugene Dennis is?
A. No, sir.

Mr. Barlow: That's all.

Re-direct examination.

[fol. 35] Questions by Mr. Maverick:

Q. Do you know who John Starkay is?
A. No, sir.
Q. Do you know who Mr. Browder is?
A. No, sir.

Mr. Maverick: That's all.

[fol. 36] Mr. Charles Nail, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?
A. Charles W. Nail, Jr.
Q. Where do you work?
A. District Attorney's Office, Jim Barlow.
Q. You are a retired F.B.I. agent, aren't you, Mr. Nail?
A. Yes, sir.
Q. Have you ever been in the home of John William Stanford, Jr.?
A. Yes, sir.
Q. When was that?
A. December 27th.
Q. 1963?
A. 1963.
Q. Describe what took place?
A. Well, we went to the door of the house and Tom Morin identified himself to Mrs. Stanford, and read the search warrant to her, and gave her a copy of the search warrant. She let us in the house. She said she would like to have Mr. Stanford there for it, before we started the search.

We agreed, and she tried to call Mr. Stanford and she [fol. 37] couldn't get him on the phone, so I took Mrs. Stanford in my car with Mr. Morin, and we went over on South Flores Street to try to find Mr. Stanford, but we couldn't find him, and so we returned to the house, and we began the search back there. As we went through the kitchen, the south end of the house, there is a little office space, it couldn't have been over more than five or six feet in width and ten feet long. It looked like it might have been a dining room in which, it had shelves with books on them.

Q. Now, Mr. Nail, did you take down the list of books on the inventory which was attached to the return and marked Applicant's Exhibit Number 13?

A. I took part of it. Mr. L. C. Christianson took part, but about half and half.

Q. Approximately from where to where is your handwriting involved there?

A. I believe this first half here looks like L. C Christianson and the last half is mine.

Q. Who—was Mr. Barlow present?

A. No, sir.

Q. Was Mr. Wagner Carr, Attorney General of Texas, present?

A. No.

Q. Who decided what books were to be taken out and [fol. 38] what books were to remain?

A. Well, two Assistant Attorney Generals, Lonny Zwiener and Murray Jordon were the ones who decided what was to be taken.

Q. Did you, yourself, exercise any discretion as to what books would be taken out of this man's house?

A. No, I did not.

Q. Did anyone in the District Attorney's office of Bexar County, Texas, exercise any discretion on what should be taken out of the home of John William Stanford, Jr.?

Mr. Barlow: I'm going to object to that on the grounds it would be immaterial and irrelevant who decided what was going to be taken. I think the return speaks for itself, what was taken.

Mr. Maverick: Your Honor, there is a Supreme Court case of the United States of America—

The Court: I'll overrule your objection.

Q. Alright, Mr. Nail, you may answer.

A. Substantially it was the Assistant Attorney Generals who decided what was taken.

Q. What did you say?

A. I said, substantially, it was the Assistant Attorney Generals.

[fol. 39] Q. Were you served with a subpoena duces tecum?

A. Yes, sir.

Q. I'll ask you if you brought your files, records, books, pamphlets, and so forth here of my American Civil Liberties Union client, Mr. John William Stanford, Jr.?

A. I have them ready to come up here. I've got a volunteer ready to bring them up, a man ready to bring them up whenever you want them.

Q. I want to refer you to Applicant's Exhibit marked 13, that's been moved and accepted into evidence. This page right here, you want to take this with you, sir? One drawer, metal, letter size filing cabinet, containing file on Gus Hall-Benjamin Davis Defense Committee and other files. I want all those files.

A. All this—

Q. In that drawer, all of it. We think it will show his Honorable Navy Discharge, house title papers. Down here, two pages from the back, a folder entitled one folder of copies of letters, which we think pertain to the McCarran Act, and also correspondence between John William Stanford, Jr. and his attorney, or the attorney he was consulting in Harris County, named Ben Levy, who is the local counsel of Harris County, Texas, for the Civil Liberties Union. I'll ask you to please bring those different items into court. [fol. 40] If Your Honor would be kind enough to excuse him to get those and have them brought in?

The Court: Alright, can we proceed on something else?

Q. Oh, let me ask you one more question, please. Mr. Nail, I assume that you saw much of what was taken out.

Let me ask you this. Did you—do you recall any single item taken from the residence of John William Stanford, Jr., the Applicant in this cause, on December 27, 1963 under the search warrant in question, which could be used as physical object to violently overthrow the State of Texas or the United States of America?

Mr. Barlow: I want to object to that, because I think the items speaks for itself. I don't think he is competent and it would invade the province of the Magistrate to determine that issue, himself.

Mr. Maverick: Your Honor, this whole inventory, from top to bottom, there are numerous errors from—it's incorrectly stated. The Supreme Court of the United States has repeatedly said one of the tests to overthrow the United States of America that you have—it would be guns, knives, bombs and what have you, which can result [fol. 41] in the violent overthrow of America.

Mr. Barlow: I beg to disagree.

Mr. Maverick: Well, let me break it down.

Q. Did you see them take any guns out of the residence?

A. I did not.

Q. Did they take any poison out of the residence?

Mr. Zwiener: Your Honor, I believe the return shows what was taken, and the return is in evidence by stipulation.

Mr. Maverick: This return has mistakes in it. Did you take any poisons out of the residence of John William Stanford, Jr.?

The Court: Wait a minute, counsel. The Court would like to rule. Mr. Nail, in your official capacity on this date and on this time and on this occasion in question, acting under the search warrant issued by this Court, did you make part of the inventory, and the matters taken thereon are correct?

A. Yes, sir.

The Court: To the best of your ability, and knowledge you recorded all those things you saw on this inventory before you now?

A. To the best of my knowledge, yes, sir. My portion of the record.

[fol. 42] The Court: Was anything taken, to your knowledge, that was not recorded on this inventory, that you put down?

A. No.

The Court: I'll sustain the objection.

Mr. Maverick: For the purposes of perfecting my Bill, will you permit me to ask this line of questioning?

The Court: He just stated all that was taken was put down on this list.

Mr. Maverick: I respectfully move the Court to permit me to perfect my Bill and to ask this witness such question as, did you remove anything capable of constituting an act of physical violence against the United States of America, and such other questions, as did you remove any bombs, did you remove any airplanes; tanks; did you remove any knives; did you remove any poison gas, did you remove anything like that, capable of physical violence.

Mr. Barlow: It is a crime to advocate the overthrow of the United States and to advocate doesn't require any guns or tanks or planes or bombs, and we renew the objection [fol. 43] on the grounds we have already introduced the inventory of what was taken and it was introduced by agreement, and I think it's immaterial and irrelevant.

Mr. Zwiener: Your Honor, I would like to state further that the laws of the State of Texas makes being a member of the Communist Party a crime; whether or not this is constitutional is probably another question. We do not think it is a matter to be determined at this magistrate hearing. Accordingly I think the objection is good on the grounds it—

The Court: The point is, Mr. Nail, you've testified that nothing was taken other than what is listed on this inventory from the residence at that time?

A. That's right.

The Court: Proceed, counsel.

Mr. Maverick: You—would you give me a ruling on it, Your Honor?

The Court: I just did. I denied it.

Mr. Maverick: Thank you.

The Court: In view of his answer the only things he took out was on his list, and I think he answered your [fol. 44] question.

Mr. Maverick: This return, Your Honor, does not accurately reflect—

The Court: Let's proceed, counsel.

Q. Did you take out his marriage license, Mr. Nail. You got that listed on the inventory?

A. You have got the list.

Q. I'm asking you, Mr. Nail.

A. There was one cabinet 12 by 12, which you are talking about, which is about two foot long that has numerous files. I did not go through it, but I understand it has in it the material you're talking about.

Q. It's not on the list.

A. It's listed as one filing cabinet.

Q. Is his marriage license listed on the inventory?

A. No.

Q. Is the title to his Blue-Cross, Blue-Shield listed on the inventory?

A. No.

Q. Is his title to his automobile listed on the inventory?

A. No.

Q. Yet, you people have those in your possession, don't you?

A. I presume we do, yes.

[fol. 45] Mr. Maverick: Now, Your Honor, may I ask the questions about the bombs and planes, and—

Mr. Zwiener: I again submit this is immaterial to any issues in this case. Being a member of the Communist Party is a crime in Texas. The question of constitutionality is not really a matter before this Court, and we object to this question and this line of questioning on the grounds that it's immaterial and irrelevant.

Mr. Maverick: The United States Supreme Court, in Nelson v. The State of Pennsylvania—

Mr. Barlow: We are willing to argue that, but—

The Court: Mr. Nail, to the best of your knowledge, and records, did you remove any bombs, airplanes, what else did you want?

Mr. Maverick: Gas, poison gas.

The Court: Poison gas—

Mr. Maverick: Machine guns.

The Court: Machine guns, knives, clubs—

Mr. Maverick: Airplanes.

The Court: I've done said that.

Mr. Maverick: Tanks.

The Court: Tanks, clubs—did you get any of those?

[fol. 46] A. No, we did not.

The Court: Alright.

Mr. Maverick: Thank you.

Q. Please go get this information I asked you for.

The Court: Well, let's get through with any other witnesses' testimony.

Mr. Maverick: Well, I want him to prove up these other things. I want him to go and get them and come back.

Mr. Barlow: We will reserve our right to cross examine him.

(At this time a short recess was called)

(After recess, Mr. Nail recalled back to stand)

Questions by Mr. Maverick:

Q. Mr. Nail—excuse me. Mr. Nail, I hand you a folder that you—just a few minutes ago, handed me and open it up and take therefrom a carbon copy of a letter written allegedly to Mr. Ben Levy, and a letter in turn allegedly from Mr. Ben Levy to John W. Stanford, Jr. Do you recognize that letter as coming from that file?

A. I have seen this letter in this file, but—

Q. Alright, will you mark this for identification? Now, the letter—now the letter I was just talking to you about has been marked as Applicant's Exhibit Number 14, has it not?

[fol. 47] A. Yes, sir.

Q. Alright, now, I'll hand you Applicant's Exhibit Number 14, to you, Mr. Barlow and move it into evidence.

Mr. Barlow: I have no objection to it. Mr. Levy might want to object, but I don't have any objections to it.

Mr. Maverick: I'll move this letter into evidence.

The Court: Alright.

Mr. Maverick: You accept it into evidence?

The Court: Yes.

Q. I have in my hand here Applicant's Exhibit Number 15, and remembering your authority was to get letters and publications concerning unlawful operation of the communist party, I want to move this into evidence. I'll show this to Mr. Barlow.

Mr. Barlow: I have no objection.

Q. I hand you applicant's Exhibit Number 15, which is a carbon copy of a letter addressed to Mrs. John F. Kennedy, and ask you if this was taken from that file?

A. This was taken from that file, there.

Mr. Maverick: I move it into evidence. Is it accepted, Your Honor?

The Court: Yes.

Q. Now, where is the—may I see that, please—I hand you Applicant's Exhibit Number 16 and ask you if that [fol. 48] folder of many letters came from those letters, books, records, and so forth picked up under the search warrant issued by the Honorable Sol Casseb, resulting in the search of December 27, 1963 of the J. W. Stanford home?

A. This came out of that cabinet, that came out of the home.

Q. Which came out of his home, and these are letters between Stanford and his Defense Committee in New York City, isn't it, pertaining to the McCarran Act, or do you know?

A. I just know the label on it, Mr. Maverick.

Q. Well, read the title of this first letter and see who it's addressed to there, read it to the Court, right here.

A. Gus Hall-Benjamin J. Davis Defense Committee, 22 East 17th Street, Room 1225, New York 3, New York.

Q. Thank you. I move this into evidence.

Mr. Barlow: We have no objection to it. You want to put the whole file in?

Mr. Maverick: The whole file. Thank you.

The Court: Alright.

Mr. Maverick: Just one minute, Your Honor, if you please—oh, could he also find such personal papers as his discharge, his naval discharge, marriage papers—marriage license and such other letters that—

[fol. 49] The Court: Can we, in the interest of time—

Mr. Barlow: I have in that answer that I filed, prepared, an inventory for the return to him of all that stuff.

The Court: Have you provided counsel with a copy?

Mr. Barlow: No. No, I haven't provided—

The Court: Alright, well, let's let him see that, and we might dispose of all that.

Mr. Barlow: Here's a copy of the inventory. We intend to offer all those—

Mr. Maverick: Will you stipulate, read this into the record.

Mr. Barlow: Alright, I will. Let's have this marked for identification.

Mr. Maverick: That's not enough identification on this, Jim. It says Frank Brothers. I don't know what that is.

Mr. Barlow: Well, there's a file on each one, and that's the inventory of those files, and I'm going to tender all the files. I'll bring the files up here, but I put in my pleading that I would tender them into Court, and into the record of the Court, showing what files I had tendered back to you.

[fol. 50] Mr. Maverick: Take this down. Will you agree with me that on the date and time in question and under the search warrant issued by the Honorable Solomon Casseb, Magistrate—

The Court: Jr.

Mr. Maverick: Solomon Casseb, Jr., Magistrate, and was seized under said warrant and taken from the home of John William Stanford, Jr., his automobile title, deposits at local banks.

Mr. Barlow: That's right.

Mr. Maverick: Frank Brothers, bills of Frank Brothers, bills of Frost Brothers, title papers to his home, invoices that he had paid, bills that he had paid to Joske's of Texas, medical insurance policy of Blue Cross and Blue Shield, Sommer's Drugstore Company, bills pertaining to furniture, bills pertaining to utilities and Wolf and Marx, bills pertaining to Wolf and Marx. Is that right?

Mr. Barlow: That's right.

Mr. Maverick: That's right. Mark this for identifica-
[fol. 51] tion, and that in further, just a minute, that in further, of these things you just mentioned, which you and I have stipulated to, you have prepared a rather skimpy inventory, marked as Applicant's Exhibit Number 17, and I would like to move this into evidence.

Mr. Barlow: Alright, you can put that in evidence, and here's a copy of the files.

Mr. Maverick: Let the record reflect that John William Stanford, Jr. will not accept this partial return of his property at this time as same may, in his opinion, constitute a waiver of his objection of the District Attorney of Bexar County, Texas, obtaining many things unlawfully, obtaining many things in his home, and that he will only take these items back under Order of the Court, the Honorable Solomon Casseb, Jr., Magistrate.

Mr. Barlow: Well, I want to tender them into the Registry of the Court, and I want the record to reflect that I have tendered them, and that's all I feel I have to do.

The Court: Alright, let's proceed.

[fol. 52] Cross-examination.

Questions by Mr. Barlow:

Q. Mr. Nail—

The Court: Wait just a minute.

Mr. Maverick: Pass the witness.

By Mr. Barlow:

Q. Mr. Nail, these records, for the purposes of the record, where were these located at the time of the seizure—at the time the seizure was made?

A. In that metal cabinet there, about two feet long.

Q. That metal cabinet had numerous files in it, didn't it?

A. That's right.

Q. And, the first file was the file that related to the Defense Committee Fund for the Gus Hall and Benjamin Davis, isn't that right?

A. That's right.

Q. And, the first letter in the first file that you picked up there, which Mr. Maverick has introduced into evidence, was written on the 25th day of December, isn't that correct?

A. That's right.

Q. Now, in that letter—

Mr. Maverick: What year.

Q. 1963. In that letter, which was a carbon copy that Stanford obviously had written, Stanford was discussing [fol. 53] with the Gus Hall-Benjamin Davis Committee the policies, which were taken in the Daily Worker with relation to the Oswald killing, is that right?

A. Substantially, that's the way I remember it. I don't remember.

Q. Now, he did not think the paper, that the Texas Worker was properly explaining the Oswald killing, and he had some suggestions for the Gus Hall-Benjamin Davis Defense Committee on how that matter should be handled in order to put the communism in the proper light, isn't that right?

A. As—as I recall, yes.

Q. Not only that, but in the second paragraph of that letter it showed that he enclosed a check for $5.00 for the Gus Hall-Benjamin Davis Defense Committee, isn't that correct?

A. To the best of my recollection.

Q. And, throughout this file in numerous letters it shows that he is enclosing money that he is sending to the various defense funds, isn't that correct, in these files that you seized?

A. Mr. Barlow, I have to be honest. I did not go through that entire file.

Q. But, when you looked through this file cabinet there were many instances in which he transmitted funds to the

[fol. 54] various defense committees to fight the McCarran Act, defense to fight the Smith Act and various other alliances and committees. There was one—one on the—on the Cuban Committee in there. There were various others—other sorts of issues that's been raised in the past.

A. That is correct.

Q. Do you recall the name of the Cuban Committee that the file was on? A. No, sir.

Q. Now, the books and pamphlets that you received, was there a book in there by Eugene Dennis?

A. I believe so.

Q. How many copies of it were there, or do you recall?

A. I don't recall.

Q. Did you take photographs of all the items you obtained from—from Mr.—from Mr. Stanford's house?

A. We took photographs of all the books and other literature we could take photographs of.

Q. How did you arrange the books and things so that you could take photographs of them?

A. Well, I had a five by six ply board, with, I don't know, two or three or four shelves on it, and I laid the books—I put 50 or 60 books on it, and each time we taken a photograph of it, and taken those off and put some more on.

[fol. 55] Q. Generally, the books that were taken, were they in single copies as people have in their private libraries?

A. No, generally they came in a group.

Q. Was there any distinction in the house made between the private library of Stanford and this material, this bulk material?

A. Well, the best I recall his desk, where it was located and—to the west of his desk it generally was where these books came in, multiple copies, anywhere from two to, say, 15 copies of the same thing, but—

Q. Take the book like the book on Gherman Titov, the astronaut. How many books of that sort were there?

A. I can tell by looking on the photograph or the list.

Q. Alright, I would like these marked for identification.

The Court: Do you want each one marked separately.

Mr. Barlow: No.

The Court: Well, put them in the folder and let her mark the folder and show the exhibit whatever it is containing.

Q. I'll show you what has been marked as Plaintiff's Exhibit Number one and ask you if you will examine this?

A. Yes.

Q. Now, what is that? Mr. Nail?

A. This is 37 copies of photographs I took of the books [fol. 56] and literature taken from Mr. Stanford's home.

Q. Alright, you took all those photographs, yourself?

A. I did.

Q. Where were they taken?

A. In my office.

Q. In the District Attorney's office here in the Courthouse?

A. In the Courthouse in the Chief Investigator's office.

OFFER IN EVIDENCE

Mr. Barlow: I offer into evidence State's Exhibit Number one.

Question by Mr. Maverick:

Q. Mr. Nail, did you—did I ask you earlier—

The Court: I don't know that he is through, counsel.

Mr. Barlow: I wasn't, but go ahead, I'll pass the witness.

Mr. Maverick: No, I wouldn't want to go out of turn.

Questions by Mr. Barlow:

Q. How long did this search take?

A. We arrived there about 2:20, and by the time we took Mrs. Stanford and drove over to look for Mr. Stanford, I would say, oh, I would estimate anywhere between 40 to 60 minutes passed before we began to search. We left there about 7:30 in the evening.

Mr. Barlow: I believe that's all. Pass the witness.

Re-direct examination.

[fol. 57] Questions by Mr. Maverick:

Q. Did you notice, Mr. Nail, that there was any kind of books that were left behind, that were not taken out?

A. There were books left behind that were not taken.

Q. Did you notice any books left behind that could be considered of an anti-communist nature?

A. I can't truthfully answer that. I did look at the books. I knew there was about as many books left as we took, but I was not going through the titles. I was recording as the Assistant Attorney General would pick out the books they wanted.

Q. I'll hand you applicant's exhibit marked for identification as 7, not yet in evidence, but a book called, "Cuba, Castro and Communism," by Edwin C. Stein. The incredible story of the bearded despot who betrayed a revolution, enslaved a nation, and is rattling Russian arms only 90 miles from our shore. Did you see that book?

A. I don't recall.

Q. Mark this for identification, please—did you—I'll hand you applicant's exhibit number 18, marked for identification, entitled, "Attempts of Pro-Castro Forces to pervert the American Press. Hearing before the subcommittee to investigate the Administration of the Internal Security Act and other Internal Security Laws of the Com-[fol. 58] mittee on the Judiciary, United States Senate, Government Printing Office, Washington, D. C." You don't know whether or not they left that behind?

A. I do not know.

Q. I'll hand you Applicant's Exhibit Number 19, entitled, "C[illegible]a by the United States Department of State" and ask you if you saw that, and if that was left behind?

A. I do not know.

Q. Mark this please, and this will be the last one. I'll hand you what has been marked Plaintiff's, or rather Applicant's Exhibit number 20, entitled, "Cuban Aftermath—Red Seeds Blow South. Implications for the United States of the Latin American Conference for National Sovereignty and Economic Emancipation, and Peace. Hearing before the Sub-committee to investigate the administration of the

Internal Security Act and other Internal Security Laws of the Committee on the Judiciary United States Senate, 87th Congress, United States printing, government printing office, Washington, D. C., 1961." Did you see that in the Stanford home?

A. I do not know.

Mr. Maverick: Pass the witness.

Mr. Barlow: No further questions.

[fol. 59] Mr. Lonny Zwiener, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?

A. Lonny Zwiener.

Q. Mr. Zwiener, are you an Assistant Attorney General of the State of Texas?

A. I am, Mr. Maverick.

Q. How long have you been?

A. Oh, I—since February of this year, 1963, I believe.

Q. You were a law professor from the University of Texas, weren't you? Haven't you?

A. I have, Mr. Maverick.

Q. Have you—to get you in my mind, weren't you at one time an Assistant U. S. Attorney here in San Antonio?

A. Yes.

Q. Were you under Charlie Herring or Russell Wine?

A. Charlie Herring.

Q. Now, let me ask you if you have ever been in the home of John William Stanford, Jr.?

A. I have.

Q. When was that?

A. That was December the 27th, 1963.

[fol. 60] Q. Would you describe what took place at his home?

A. As I recall, Mr., is it Morin, was—of the Sheriff's office knocked on the Stanford door and Mrs. Stanford came to the door.

Q. This was under the search warrant issued by the Honorable Solomon Casseb, Jr.?

A. Yes, it was.

Q. As Magistrate?

A. Yes, sir, that's true.

Q. Alright, go ahead.

A. Mrs. Stanford came to the door. Mr. Morin identified himself with the warrant to Mrs. Stanford. My testimony is largely the same as that of Mr. Nail and Mr. Morin. Mrs. Stanford did ask that she contact her husband, and I believe he informed her that was not necessary, that the officers wait until Mr. Stanford came, but they did permit Mrs. Stanford to try to call him on the phone, and then, I believe Mr. Nail and one of the deputy sheriffs went with Mrs. Stanford to attempt to locate her husband. When they returned, unable to locate him, they proceeded to conduct the search, pursuant to the warrant.

Q. Who conducted the search? Did you conduct the search, or did Mr. Barlow's office—Mr. Barlow's people conduct the search?

[fol. 61] A. Under the direction of the Sheriff's office, I assisted in the search. Mr. Barlow, the District Attorney here, requested myself and Mr. Murray Jordon to accompany the Sheriff to the Stanford residence to assist there.

Q. Did you and Mr. Jordon sign an affidavit on which Mr. Barlow made the application?

A. That's true, sir.

Q. Do you know why Mr. Barlow had two Assistant Attorney Generals who live in Austin, Texas, to sign the—sign it, rather than one of his own staff, the San Antonio Police Department, or the Bexar County Sheriff's office?

Mr. Barlow: I'm going to object to that because he would be incompetent to testify to what I know.

Mr. Maverick: I don't know until he answers.

Mr. Barlow: It's immaterial and irrelevant, and I think he is incompetent to testify as to why I do something.

The Court: If he knows, he can answer.

Mr. Zwiener: Well, I would like to point out, Your Honor, if I may, as one of the Attorneys in this case that

I think the Affidavit speaks for itself. We did swear we had the information and based on the facts as stated in [fol. 62] the affidavit to justify the feeling that these documents and so forth relate to communism and used in the furtherance thereof.

Mr. Maverick: He is not answering the question. The question, Judge, you said ought to be answered, I asked him—

Mr. Zwiener: I'm further making that objection as one of the attorneys, Your Honor. The affidavit speaks for itself.

Mr. Maverick: The Court's ruled.

The Court: Well, do you know of your own knowledge?

A. I have a suspicion, Your Honor. I do not have.

The Court: Other than a suspicion. I'm talking about do you know?

A. No, I don't know.

The Court: You don't.

A. Of course, I don't know what's in Mr. Barlow's mind.

Q. Did Wagner Carr tell you to sign that affidavit?

A. No, he did not.

Q. Did you have any conversations with Mr. Barlow as to why you were signing the affidavit?

Mr. Barlow: I want to object to that. The affidavit speaks for itself. The fact that he signed it, and—

[fol. 63] Mr. Maverick: Well, I—

Mr. Barlow: And swore to it. It's all there—

The Court: Just a minute. She can't take both of you talking at the same time, and I'm sure both of you know the Rules of Evidence how to conduct a hearing. If you don't, we will have a course in that. Now, let's take one thing at a time. What's your objection?

Mr. Barlow: My objection is that the Affidavit speaks—the affidavit, upon which the search warrant is based, speaks for itself, and that he cannot go behind why the man made the affidavit. An affidavit for a search warrant before a Magistrate is to be tested by the affidavit, itself.

The Court: I'll sustain the objection.

Mr. Maverick: Well, for the purposes of perfecting my Bill, I now move the Court for permission for him to answer the question.

Mr. Barlow: I'm going to object to him going into any part of this for the purposes of his Bill because this a non-appealable hearing before a Magistrate, and I don't see why he should be allowed to perfect his Bill in a non-[fol. 64] appealable hearing.

Mr. Maverick: It is appealable. The Court of Criminal Appeals says there is an appeal before the Court of Criminal Appeals—I have one case on it.

Mr. Zwiener: I believe the Court of Criminal Appeals has ruled they did not have jurisdiction.

Mr. Maverick: Are you answering as—

Mr. Zwiener: I'm answering as one of the Attorneys in the case, Mr. Maverick.

Mr. Maverick: Now, Judge, I would like to get some lawyers friend in here and stake them out around the courthouse.

Mr. Barlow: Now—

The Court: Just a minute. He has got a right as one of the Attorneys to make an objection, and he stated that's the way he was making it. Now, the Court has ruled.

Mr. Maverick: What did you say, Your Honor?

The Court: I sustained the objection.

Mr. Maverick: And, refuse to permit me to make my Bill?

The Court: As I stated to you this morning, if you can show me that I have got the right to permit you to have a [fol. 65] Bill of Exceptions in this type of a hearing, until you show me that authority, then I can do nothing further.

Mr. Maverick: As of now, the Order of the Court is, you refuse—

The Court: I haven't refused you. I said I sustain the objection, period.

Mr. Maverick: I don't want to sound like I'm quarreling with you, Judge, but—

The Court: I'm not going to let you quarrel with me. Don't sound like you're quarreling with me, counsel. I'm

telling you that until you show me, I will reserve that until you show me. I'm not denying you anything.

Mr. Maverick: Alright.

By Mr. Maverick:

Q. Now, Mr. Zwiener, who decided—who decided what would be taken out of the house of John W. Stanford, Jr. on the afternoon in question, December 27, 1963?

A. Mr. Murray Jordon of the Attorney General's office.

Q. You also participated in it.

A. I did to some extent, however, my participation was mainly limited to handing books that were designated from the shelves to the—to Mr. Nail, a member of the Sheriff's office, who recorded them for the purposes of making a [fol. 66] return.

Q. As you people went along picking up books and records, well, let's take this book—well, let's don't take this book, and let's take that book, and you made a selection of some books to take and some books not to take?

A. As the determination was made, as I say, it was largely Mr. Jordon's determination.

Q. What kind of books was left behind?

A. Well, I don't know how to answer that. I don't recall specific books that were left behind. I will say this, that by in large books that appeared to be individual copies, one copy of books that were part of Stanford's library were not taken. I don't know whether that was true in all cases, but as I say, it was largely true. The books that were taken were those books of which there were a number of copies of the same item.

Q. Well, now, directing your attention to Applicant's Exhibit Number 7, which is not yet in evidence, and again I mention the title to you, "Cuba, Castro and Communism," by Edwin C. Stein. The Incredible story of a bearded despot who betrayed a revolution, enslaved a nation, and is rattling Russian Arms only 90 miles from our shore. Why didn't you take those kind of books, also?

[fol. 67] A. Mr. Maverick, I do not know that book was there, or why it was not taken. I can answer your question perhaps as an attorney, rather than a witness, if the Court

will permit me. As disclosed by our affidavit, we had information that certain books relating to the communist party were present on the premises of Stanford. The theory, I suppose, the search warrant was to books and records there relating to the search warrants, I mean relating to communism and were instrumentalities or instruments to promote communism. It was an attempt, I suppose, there was an attempt to determine what books would fulfill these particular requirements. Again, I'm speaking as an attorney in this case.

Q. Fine. Let's talk as brother attorneys back and forth. The affidavit only says a broad and general statement you were to get books, records, pamphlets concerning communist party.

A. I believe, if I may correct you that—

Q. Wait a minute, before you correct me. Just wait a minute, please. Why wasn't the books and pamphlets that you have in front of you that denounces communism, pamphlets of the United States Army, the United States War Department, denouncing communism, why weren't those taken? Those concern communism, don't they?

A. Again, I can answer your question—I must correct [fol. 68] you as to what the affidavit states. It said certain books, records and pamphlets that were unlawfully possessed, and used in violation of Article 6889-3, and article 6889-3A of the Revised Civil Statutes of Texas. Now, there was those instruments, books and records that we had information about that were considered to be communistic from confidential sources, which we have obtained, that were looked for and seized. As I say, Mr. Maverick, Mr. Murray Jordon made the determination, but that was—

Q. I would like to direct your attention to Section 9, Article 6889-3A of the Code of Civil Procedure of Texas, being the Anti-Communist Control Act under which you got your search warrant. I would like to quote it, "A search warrant may be issued by any Judge of any Court of Record in this State on the written application by the District Attorney or a County Attorney, within their respective jurisdiction accompanied by an affidavit of a credible person setting forth the name and description of the person,

charging or stating the name or description, the address of the described premises showing this," and this is what I want to emphasize, "showing that the described premises is a place where some specified phase or phases of this act are violated or are being violated or where keeping any books, records or pamphlets, cards, lists, memoranda, rec- [fol. 69] ords, written instruments, of any kind showing any violation of some phase or phases of this Act." Now, tell me, you tell me in this affidavit which you signed where there is set out a particular violation by John W. Stanford, Jr. of some specified phase or specified phases of this Act?

Mr. Barlow: I want to object to the question on the grounds the affidavit speaks for itself, and number two, he is calling upon him to give a legal conclusion and which I do not think is proper, and I object. The affidavit has been admitted into evidence and it speaks for itself. It either says what it says or it doesn't say what it doesn't say, but I think whatever it says, it says, and I think it's immaterial and irrelevant to ask this man's interpretation of the affidavit. That's for the Court, and it invades the province of the Magistrate for him to answer.

Mr. Maverick: I would like to reply, Your Honor. I hold in my hand Applicant's Exhibit Number 11, an affidavit signed by Mr. Zwiener refers to the Stanford home as a place where books, records, receipts, lists, memoranda, [fol. 70] pictures, recordings, and other written instruments concerning the Communist party in Texas, are unlawfully possessed and used in violation of Article 6889-3 and Article 6889-3A Revised Civil Statutes of the State of Texas. Now, I just read Section 9 of the act under which the subpoena was issued, which says a specified phase or specified phases of the act must be set out. Now, you permitted Mr. Zwiener to talk as a lawyer on the stand, and if he can aid the Court in pointing out some specified phase or specified phases of the Act, I think it would be helpful.

Mr. Zwiener: I object to that. It's argumentive and it's not a proper question. The affidavit speaks for itself.

The Court: Your question is directed to Mr. Zwiener as a witness?

Mr. Maverick: Yes, sir.

The Court: I'll sustain your objection.

Q. Alright, Mr. Zwiener, do you recall any single object taken from the Stanford home on December 27, 1963 under [fol. 71] Section—under the search warrant issued by Judge Casseb, which could be used as a physical object of violence to overthrow the United States of America?

A. Not, Mr. Maverick, unless you consider throwing hard back books at people, like a weapon.

Mr. Maverick: Pass the witness.

Cross-examination.

Questions by Mr. Barlow:

Q. You stated you had information as to the use of the books, but you never did describe what information was—this was. Would you describe that, what that was?

A. Mr. Barlow, from certain confidential sources, being credible citizens of the State of Texas, we learned the following, that John Stanford was and is a communist, secondly that he has for many years distributed literature which has been described to us by credible persons as communistic literature, which follows the communist line and is designed to forward the aims and purposes of the Communist Party. These credible persons also informed us that this type of literature, pamphlets, and so forth were located on the premises of John Stanford, and as recently, as disclosed by the affidavit, December 12th that this type of literature which had been previously indicated and described and labeled as communist literature was mailed from the home address of John Stanford.

[fol. 72] Mr. Barlow: Pass the witness.

Mr. Murray: Nothing further.

[fol. 73] MR. V. MURRAY JORDON, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?
A. Vernon Murray Jordon.
Q. Are you an Assistant Attorney General?
A. Yes, I am.
Q. I want to know a little bit about your background, and if I may, Mr. Jordon, where are you from in Texas?
A. Brady.
Q. Brady?
A. Yes, sir.
Q. Are you a graduate of the University of Texas Law School?
A. Yes, I am, 1959.
Q. 1959, and before that did you have a pre-law degree of some kind?
A. I had a, yes, sir, I graduated from the University of Texas with a BBA Degree.
Q. BBA Degree. Now, in that course at the University of Texas, where you obtained your BBA Degree, did you have—how many courses did you have on the subject of communism?
[fol. 74] A. I had none.
Q. What kind of a—
A. Excuse me, just a minute, other than the course that would casually mention it; I had none specifically on communism.
Q. What did you major in for your BBA?
A. I was a finance major.
Q. Finance major. You studied such things as auditing, bookkeeping and related matters?
A. Yes, sir.
Q. It's a business course?
A. That's correct.
Q. In law school, how many courses did you have on communism?

A. None specifically on communism.

Q. Have you gone to some kind of school that trained you specifically on the subject of communism?

A. No, sir, other than possibly lectures in the Navy, no specific schooling.

Q. That's the reserve meetings you mean, reserve Navy, is that correct?

A. No, sir, during active duty-time.

Q. During active duty-time?

A. Yes, sir.

Q. You have not gone to any specialized school, say four [fol. 75] months or six months or a year?

A. No, sir, I have not.

Q. You have not. Alright, I'll ask you if you were in the home of John William Stanford, Jr. on or about December 27, 1963?

A. Yes, sir, I was.

Q. Did you go there under the search warrant issued by Judge Casseb, who is sitting to your right?

A. Yes, sir, I did.

Q. Tell us what happened?

A. I believe he was the Captain of the Department, or something, Mr. Tony Morin was the one in charge, and we had been asked to go with him in his execution of the search warrant. He knocked on the door several times and Mrs. Stanford answered after several knocks, and asked who was there, and he answered that it was the Sheriff's Department. At that time she opened the door and, just slightly, and from—I was standing probably maybe 20 feet, maybe further, and I did not hear all the discussion, however, I observed Mr. Morin reading from the, what looked to be the original of the search warrant at that time, and there was further discussion which was out of my earshot. We proceeded inside and there was a discussion—there was a discussion about, she wanted her husband present, so we [fol. 76] all left and I think she locked the door. I do not know for sure if she locked the door and the deputy and I believe Mr. Charlie Nail from the District Attorney's office took Mrs. Stanford and left the premises and it was some possibly an hour before they returned. At that time we did enter the house, and I was not the first to enter. I was

probably among the last and I do not know where everyone went. At that time, however, she made some phone calls before we proceeded on in, and I went to the back of the house where there was a small room, you wouldn't call it a bedroom, because it was rather small. It was covered with books on the west and north walls. There was a large desk on the south wall. There was another room just adjacent to that. I observed a bedroom which there was originally a door into what appeared to be a study. It had numerous number of books on the, I believe it was the north wall of that room.

Q. You have been present this morning during the giving of the testimony, have you not?

A. Yes, sir, the entire time.

Q. Yes, sir, and you have heard Mr. Nail of the Bexar County Criminal District Attorney's office, and Mr. Lonny Zwiener of—your colleague, on Attorney General Wagner Carr's staff, testify that it—the choice of what was taken [fol. 77] out was largely your choice. Do you remember that testimony?

A. I believe Mr. Nail said the Assistant Attorney Generals made the choice. I do not believe—

Q. You heard Mr. Zwiener?

A. I heard Mr. Zwiener, yes, sir.

Q. He said Mr. V. Murray Jordon largely made the selection.

A. Yes, sir.

Q. On what, with your background and training in communism, on what basis did you decide what books to take out and what books not to take out?

A. Since I became employed as Assistant Attorney General, I was asked to investigate the Communist Party of the State of Texas, and in that investigation I talked to confidential informants and in discussing with these confidential informants I was told that Mr. Stanford was an Official in the Communist Party of Texas and that he had distributed literature which was described as communist party literature on official matters of the communist party. I was also given, not to keep, but just to look at, various samples of this communist party literature which was reported to me by these informants that they had received

this literature from Mr. Stanford at a Communist Party meeting.

[fol. 78] Mr. Maverick: Your Honor, I would like, at this moment, to let Mr. Stanford take from his file drawer, well, just, maybe we can do it this way. Mark this for identification, please.

Q. I'll hand you Applicant's Exhibit Number 21, an advertisement for the sale of books from "All Points of View," Mr. Stanford's mail order book store, which was sent to Dr. Henry Steele Commager, returned for insufficient evidence, and I'll ask you whether or not that—you saw those types of pamphlets at the residence of John Stanford, advertising books in his mail order book store?

A. I may have. I do not recall having seen one, but I may have seen one there.

Q. Does this—does this look like the type of pamphlets you picked up?

A. This does not appear to be a pamphlet, other than a list of books for sale.

Q. Just a minute—Jim, over in that filing cabinet—

Mr. Barlow: He may take out what he wants.

The Court: Are—did you ask for a recess, gentlemen, so that you can confer on this.

Mr. Maverick: I think we are through conferring.

The Court: Let's proceed. I would like to be in on it.

[fol. 79] Mr. Maverick: Maybe we better have a short recess.

(At this time a short recess was called)

(Witness Jordon remaining on stand, examination continues)

OFFER IN EVIDENCE

Mr. Maverick: Let's have this marked as Applicant's Exhibit Number 22. Mr. Barlow, do you agree that I may move this into evidence?

Mr. Barlow: No objection.

Mr. Maverick: Numbers 22 and 23.

The Court: Alright, let's proceed.

Mr. Maverick: Pass the witness.

Cross-examination.

Questions by Mr. Barlow:

Q. Did you state you had been informed by these confidential informers as to how this material was used?

A. Yes, sir.

Q. How was the material actually used?

A. Other than being actually distributed at meetings, there would be discussion groups wherein Mr. Stanford would lead the discussion, that discussion about an article from these pamphlets and this was stated to be the communist party line or leaf of the communist party line.

Q. Now, these meetings, were they still taking place in [fol. 80] 1963, the communist party meetings?

A. My informant so informs that they were.

Mr. Barlow: That's all.

Re-direct examination.

Questions by Mr. Maverick:

Q. Mr. Jordon, I hand you again Applicant's Exhibit Number 7, a book that's violently anti-communist. Why wouldn't you pick up a book like that and take it out?

A. I don't recall seeing that book. I do recall leaving one book, however, that's the only particular book.

Q. Did you even see any books unsympathetic to the communists?

A. Yes, sir.

Q. Why didn't you take those out?

A. I felt that my position there was as an Assistant or the assisting the Sheriff's Department in making selections as to what would come under the affidavit.

Q. The affidavit said though, that you were, in the order issued by Judge Solomon Casseb, Jr., you were to pick up books concerning the communist party.

A. Well, used by the communist—

Q. It says concerning the communist party. Why wasn't the Speech by the late John F. Kennedy denouncing the Communist party taken?

A. Denouncing the communist party. It doesn't fall un-
[fol. 81] der my idea of the definition as in the affidavit.

Q. What does the title book store, All Points of View, suggest to you, All Points of View?

Mr. Barlow: I want to object unless we are going to start playing word games. I think it's improperly phrased, to give him a title of a bookstore, and ask him what it suggests.

The Court: I'll sustain your objection.

Mr. Maverick: Pass the witness.

Recross examination.

Questions by Mr. Barlow:

Q. Isn't it a fact you had been described the type of material that was used in these meetings, and that's the type of material you sought to seize?

A. Yes, sir.

[fol. 82] Mr. Hugh Nations, called as a witness by the Applicant, after first being duly sworn, testified as follows:

Direct examination.

Questions by Mr. Maverick:

Q. State your name, please?

A. Hugh Nations.

Q. Hugh Nations. You are a reporter, a newspaper reporter for the Express and News?

A. Yes, sir.

Q. How long have you been with them, Hugh?

A. Eight or nine months.

Q. A year and nine months?

A. Eight or nine.

Q. Eight or nine months?

A. Yes, sir.

Q. I'll ask you if you were called by Mrs. John William Stanford, Jr. on December—December the 27, 1963?

A. Yes.

Q. Did she at that time tell you some people were at the house?

A. Yes.

Q. And, it was she who called the Press, and you being the Press?

A. She called me.

Q. She called you?

[fol. 83] A. Yes.

Q. That's right. Did you alert other press media?

A. No, I alerted the City Editor of the Express, but as far as the other media, radio, T.V. and any other newspapers, no.

Q. But, they all came, did they not, later on?

A. They swamped in, yes, sir.

Q. Matter of fact some of you were standing outside, and—well, never mind. The point I want to make, though, the wife of John Stanford called you?

A. Yes, sir.

Q. And, called a representative of the local newspaper?

A. Yes, sir.

Q. Did she act like she was trying to hide anything from you?

A. No, sir.

Q. I hand you the San Antonio News for Friday, December 27, with headlines, "Admit Red Ties, San Antonio Man Ordered," and asked you if you recognize that fine, high-class, first rate newspaper?

A. I believe I do, sir.

Q. That's the San Antonio Evening News, Express-News, San Antonio, Texas?

A. Yes, sir, this is our third edition for that particular day.

[fol. 84] Mr. Barlow: If he is going to offer that into evidence, I'm going to object. That's completely hearsay, any part of it.

The Court: He hadn't offered it yet, counsel.

OFFER IN EVIDENCE

Mr. Maverick: I'll move into evidence Applicant's Exhibit Number 23 for the reason of showing that it is—

Mr. Barlow: Well, I'm—

Mr. Maverick: Let me finish please, for the reason of showing on the headlines of a local newspaper in this community the Federal Government endeavored and had begun action against John Stanford, Jr., prior to the time of the search warrant.

Mr. Barlow: I'll withdraw my objection to it. No objection.

The Court: Alright, let's proceed.

Mr. Maverick: Pass the witness.

Cross examination.

Questions by Mr. Barlow:

Q. What time did this edition hit the street, the third edition?

A. I can't answer that, Mr. Barlow. I believe I copied that line. This is an editorial copy, not disclosing any company—it actually hit at 11:30.

[fol. 85] Q. Well, this edition doesn't hit the street until well up in the afternoon, around three o'clock?

A. No, sir, I'm sure it must be on the news stands by 12:45.

Q. 12:45?

A. This is the street sale edition, I understand.

Mr. Barlow: That's all.

Redirect examination.

Questions by Mr. Maverick:

Q. Is this what you call the bull-dog edition?

A. No, sir, the bull-dog edition is your first edition. For instance, the Sunday Bull-dog is put out on Friday night. This is a bull-dog.

Q. That's a real dog, isn't it.

The Court: Let's proceed, counsel.

Mr. Maverick: That's all, Your Honor, the applicant rests.

Mr. Barlow: The State rests.

STIPULATION AS TO APPLICANT'S EXHIBIT NO. 16

Mr. Barlow: We have agreed by and between the State and the Defendant in this case that with relation to an exhibit which was introduced which is Applicant's Exhibit 16 that since this exhibit contains at least a hundred or more letters, that we would, for the purposes of allowing the exhibit to go to the Court, but for the purposes of [fol. 86] the record, we will agree to substitute approximately ten or more sample letters in the record, rather than have to reproduce the entire file, if the Court agrees to this, in the record.

Mr. Maverick: And, that half of those so selected by me and half of those selected by Mr. Barlow.

Mr. Barlow: Just to keep from incumbering the record, in case we should have to have a transcription of this record.

The Court: Alright.

Mr. Maverick: Thank you.

[fol. 87] Reporter's Certificate to foregoing transcript (omitted in printing).

[fol. 88]

AGREEMENT OF COUNSEL AS TO RECORD

We, the Attorneys of record for the respective parties, hereby agree that the above and foregoing pages of typewritten matter contain and comprise a true and correct transcript of testimony adduced on the hearing of said cause, set out in the caption hereto.

Witness Our Hand this the 28th day of January, A. D., 1964.

Maury Maverick, Jr., Attorney for the Applicant.

James E. Barlow, Attorney for the State of Texas.

[fol. 89]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT NO. 6

CERTIFICATE UNDER ASSUMED NAME LAW

STATE OF TEXAS
COUNTY OF BEXAR

In compliance with the law of the State of Texas, known as the "Assumed Name Law", I, the undersigned, hereby state that I INTEND, conducting or transacting, or intend to conduct or transact, business under the name of ALL POINTS OF VIEW at P.O. BOX 321 in the city of San Antonio, Bexar County, Texas, and the true full name ..... and post office address ..... of each person conducting or transacting, or intending to conduct or transact, such business—as follows:

Name	Postoffice Address
JOHN W. STANFORD	SAME

Witness MY hand at San Antonio, Bexar County, Texas, on this the 23 day of APRIL, A. D. 1962.

JOHN W. STANFORD

THE STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared JOHN W. STANFORD known to me to be the person ..... whose name ..... subscribed to the foregoing instrument and acknowledged to me that ..... he ..... executed the same for the purpose and consideration therein expressed.

FRED HUNTRESS
County Clerk, Bexar County, Texas
By E. ARRIAGA, Deputy.

SEAL

NOTE: Each individual member of the firm must sign and have his signature acknowledged.

[fol. 90]

THE STATE OF TEXAS
COUNTY OF BEXAR

I, JAMES W. KNIGHT, County Clerk of Bexar County, Texas, do hereby certify that the copy on the reverse side hereof is a true and correct copy of a Certificate of Registration under the ASSUMED NAME LAW of ALL POINTS OF VIEW as the same appears on file in my office under File #1993.

IN TESTIMONY WHEREOF, witness my hand and official seal of office in the City of San Antonio, this the 6th day of January A.D. 1964.

JAMES W. KNIGHT
County Clerk, Bexar County, Texas
By /s/ MANUEL D. HEALD, Deputy

No. 1993

Name of Business:

ALL POINTS OF VIEW

Location:

P.O. BOX 321

CERTIFICATE UNDER ASSUMED NAME LAW

Filed in my office this 23 day of April A. D. 1962 at 1:10 o'clock P. M.

FRED HUNTRESS
County Clerk, Bexar County, Texas
By E. ARRIAGA, Deputy.

[fol. 91]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT NO. 11

THE STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared V. MURRAY JORDAN and LONNY F. ZWIENER, who being by me duly sworn, upon oath, depose and says:

That they have good reason to believe and do believe that a certain place and premises in Bexar County, Texas described as two white frame houses and one garage located at the address of 1118 West Rosewood; in the City of San Antonio, Bexar County, Texas, and being the premises under the control and in charge of John William Stanford, Jr., is a place where books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings and other written instruments concerning the Communist Party of Texas and the operations of the Communist Party in Texas, are unlawfully possessed and used in violation of Article 6889-3 and Article 6889-3A, Revised Civil Statutes of the State of Texas.

Such belief is based upon the following information: Recent mailings by Stanford on the 12th of December, 1963, of material from his home address, such material being identified as pro-Communist material and other information received in the course of investigation that Stanford has in his possession the books and records of the Texas Communist Party.

V. MURRAY JORDAN
LONNY F. ZWIENER

SUBSCRIBED AND SWORN to before me this 27th day of December, 1963, to certify which witness my hand and seal of office.

/s/ TOM LEE
Notary Public in and for Bexar
County, Texas

(Seal)

[fol. 92]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT NO. 12

THE STATE OF TEXAS
COUNTY OF BEXAR

APPLICATION FOR SEARCH WARRANT

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Criminal District Attorney of Bexar County, Texas, and makes this application for a search warrant in accordance with Section 9, of Article 6889-3 and Article 6889-3A, Revised Civil Statutes of Texas, and in support of the same would show the Court as follows:

1. That he has good reason to believe and does believe that a certain place and premises in Bexar County, Texas, described as two white frame houses and one garage, located at the address of 1118 West Rosewood, in the City of San Antonio, Bexar County, Texas, and being the premises under the control and in charge of John William Stanford, Jr., is a place where books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings and other written instruments concerning the Communist Party of Texas, and the operations of the Communist Party in Texas are unlawfully possessed and used in violation of Articles 6889-3 and 6889-3A, Revised Civil Statutes of the State of Texas, and that such belief of this officer is founded upon the following information:

That this officer has received information from two credible persons that the party named above has such books and records in his possession which are books and records of the Communist Party including party lists and dues payments, and in addition other items listed above. That such information is of recent origin and has been confirmed by recent mailings by Stanford on the 12th of December, 1963 of pro-Communist material.

2. That this application for a search warrant has at-
[fol. 93] tached hereto the affidavit from two credible persons as to the information received.

WHEREFORE, PREMISES CONSIDERED the State of Texas asks that a search warrant issue to search the above described premises for the above described list of items set out above, and that such search warrant be directed as required by law.

Respectfully submitted,

/s/ JAMES E. BARLOW
James E. Barlow
Criminal District Attorney

SUBSCRIBED AND SWORN to before me this 27th day of December, 1963, to certify which witness my hand and seal of office.

/s/ TOM LEE
Notary Public in and for Bexar County, Texas

(Seal)

[fol. 95]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT NO. 13

THE STATE OF TEXAS
COUNTY OF BEXAR

To the Sheriff or any other Officer of Bexar County, GREETINGS:

WHEREAS, an application of the Criminal District Attorney accompanied by affidavits of two credible persons made on oath and in writing, in accordance with law, has this day been made before me alleging that the premises described as two white frame houses and one garage located at the

address of 1118 West Rosewood in the City of San Antonio, Bexar County, Texas, and being the premises under the control of John William Stanford, Jr., is a place where books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings and other written instruments concerning the Communist Party of Texas, and the operations of the Communist Party in Texas are unlawfully possessed and used in violation of Article 6889-3 and Article 6889-3A, Revised Civil Statutes of the State of Texas.

You are therefore hereby commanded to enter immediately and search the above described premises for such items listed above unlawfully possessed in violation of Article 6889-3 and Article 6889-3A, Revised Civil Statutes, State of Texas, and to take possession of same.

HEREIN FAIL NOT, but have you then and there this warrant within three days from date of its issuance with your return thereon, showing how you have executed the same.

WITNESS my hand this the 27th day of December A.D. 1963.

/s/ SOLOMON CASSEB, JR.
Judge, 57 Judicial District,
Bexar County, Texas
Judge Presiding

[fol. 96]

No. .....

SEARCH WARRANT

THE STATE OF TEXAS

vs.

SEARCH WARRANT

Issued , 19

Came to hand 27th day of Dec. 1963 and executed the 27th day of Dec. 1963, by .

W. B. "BILL" HAUCK, SHERIFF
Bexar County, Texas
By /s/ TONY MORIN

Filed , 19

Judge, Judicial District,
Bexar County, Texas

[Handwritten notation—The attached list of Material was seized under this Search Warrant.]

[fol. 97]

(1) USA TODAY

Helen & Scott Nearing

(1) THE TRAGEDY OF EMPIRE
Social Science Handbook #3

Scott Nearing

(1) THE REVOLUTION OF OUR TIME

Scott Nearing—Handbook #5

(1) TO PROMOTE THE GENERAL WELFARE—

Scott Nearing Pamphlet #1

(1) OUR RIGHT TO TRAVEL

Helen & Scott Nearing—Pamphlet #3

(1) ECONOMIC CRISIS IN THE UNITED STATES

Scott Nearing Pamphlet #4

(1) MOSCOW CONFERENCE FOR GENERAL DISARMAMENT & PEACE

Dr Homer A Jack

Stapled Papers

(1) FAIR PLAY FOR CUBA COMMITTEE

October 28 1961 1-Page

(1) THE CASE OF PUERTO RICO—MEMORANDUM TO THE UNITED NATIONS

5¢

(1) COMMUNISM, SCIENCE AND CULTURE

Jacques Duclos

[fol. 98]

(1) ON THE PARTY

Liu Shao-Chi Peking 1950

(2) INSIDE THE KHRUSHCHEV ERA

Giuseppe Boffa

(3) WORLD WITHOUT WAR

J. D. Bernal

(1) GENE DEBS—THE STORY OF A FIGHTING AMERICAN

Herbert M. Morais—William Cahn

(1) THE SOVIET POWER
Hewlett Johnson

(1) WHAT IS TO BE DONE?
V. I. Lenin

(1) HOW THE SOVIET ECONOMY WORKS
Victor Perlo

(1) AMERICAN CAPITALISM 1607-1800
Anna Rochester

(5) THE STALIN ERA
Anna Louise Strong

(1) TRIAL OF AMERICAN U-2 SPY PILOT
Moscow August 1960 Soviet Booklet 76

(1) AGENTS OF PEACE
Albert E Kahn

[fol. 99]

(1) SPEAK OUT—AMERICA WANTS PEACE
Arthur D Kahn

(1) WASTE IN AMERICAN MEDICINE
A Committe of Physicians
Monthly Review 35¢

(1) THE CASE FOR SOCIALIZED MEDICINE
by R. W. Tucker

(1) BIOLOGY & MARXISM
Marcel Prenant

(1) THE COMMUNIST PARTY OF THE USA
Earl Browder

(1) THE DEMOCRATIC FRONT
Earl Browder

(1) THE ECONOMICS OF COMMUNISM
Earl Browder

(1) IS COMMUNISM A MENACE
Earl Browder

(1) TEHERAN AND AMERICA
Earl Browder

(1) THE PEOPLES FRONT
Earl Browder

(1) TEHERAN—OUR PATH IN WAR & PEACE
Earl Browder

[fol. 100]

(1) SOVIET EDUCATION TODAY AND TOMORROW
Elizabeth Moos

(1) SOVIET SCHOOLS REVISITED
Elizabeth Moos

(1) PROCEEDINGS 16th NATIONAL CONVENTION COMMUNIST PARTY USA
Feb. 9-12—1957

(1) CAMPAIGN BOOK—
PRESIDENTIAL ELECTIONS 1940

(1) 1948 ELECTION PLATFORM OF THE COMMUNIST PARTY

(1) 1952 ELECTION PLATFORM OF THE COMMUNIST PARTY

(1) WHAT IS SOCIALISM
Ernest Fischer

(1) THE COMMUNISTS TAKE A NEW LOOK
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12	5, 6, 7, 9, 10, 11 & 12
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[fol. 129]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT NO. 14

1118 W. Rosewood
San Antonio 1, Texas

July 14, 1963

Mr. Ben G. Levy
Attorney at Law
708 Scanlan Building
Houston 2, Texas

Dear Mr. Levy:

I want to thank you for your letter of July 8. Your good wishes were welcome and heartening. Such letters as yours, expressing devotion to the Bill of Rights, give me confidence that the days of thought-control harassments will not be with us for too much longer.

After our telephone conversation two years ago, I followed your suggestion in getting in touch with the New York office of the ACLU. Mr. Melvin L. Wulf, now ACLU legal director, wrote me at that time that the ACLU would refer me to a San Antonio attorney if I needed one. When Attorney General Carr recently announced his intention of prosecuting me under the Texas Communist Control Act, I again wrote the ACLU. Mr. Wulf wrote me on the same date as your letter that the ACLU would still be willing to refer me to a San Antonio attorney if I am indicted under the Texas law.

I am enclosing July 11 SAN ANTONIO NEWS stories that discuss the latest developments in regards to the Texas law.

In regards to the latest group of McCarran Act cases, including mine, our attorneys entered a motion with the Subversive Activities Control Board last week that all further proceedings be postponed until after Labor Day. The Justice Department had previously indicated its agreement with this motion, and I imagine that the SACB will rule favorably on it.

It seems to me that the climate of public opinion will be one of the most important factors in determining the outcome in all these cases. I don't know whether the Houston ACLU has taken or contemplates taking any stand concerning the McCarran Act cases or the attempt to enforce the Texas Communist Control Act. If it does take any stand, I would appreciate your advising me of it.

Again, many thanks for your letter.

Sincerely,

[fol. 130]

BEN G. LEVY
ATTORNEY AT LAW
708 SCANLAN BUILDING
HOUSTON 2, TEXAS

FAIRFAX 3-3751

July 8, 1963

Mr. John W. Stanford, Jr.
P. O. Box 321
San Antonio 6, Texas

Dear Mr. Stanford:

In a sense, this letter is somewhat belated, but in another. I hope it's premature.

You may recall that I have been active in the Houston Chapter of the American Civil Liberties Union, and am at present the Chairman of the Legal Committee. Two years ago you requested counselling from me about slanderous articles appearing in the local press against you, and I promised to aid you in the event that you could not locate local counsel (preferably ACLU counsel, particularly Maury Maverick), and suggested that you write the New York office for additional aid.

This gave me the excuse to write you this missive because, you know, it's considered unethical for a lawyer to volunteer his services. Anyway, I could not help seeing in the local

press some sensational razzle-dazzle contemplated by the Governor and the Attorney-General of this fair State, as well as RFK's magnificent attempts to scourge the Nation of its dangerous heretics (the same day he announced that he would not prosecute Wallace for obstructing justice in Mississippi), and both of these actions involved you. What makes this letter a little belated is that I should have written you immediately, but thought that you might have your own lawyer by now. I recently learned, however, from a mutual acquaintance—an ex-Sunday School pupil of mine —that you may not have anyone to represent you in these matters (none of which, for your sake as well as the Country's, I hope will ever be actuated).

The upshot of this is that I want you to know that I shall be honored and happy to represent you* if you are unable to secure counsel of your own choice, and I am quite sure that I will obtain official ACLU backing in doing so.

On a more personal basis, I want to wish you well, and admire you for your courage in defending your beliefs. Someday soon, I trust, men will be judged by their actions and not their thoughts, or what is claimed to be their thoughts.

Very truly yours,

/s/ Ben G. Levy
Ben G. Levy

BGL/ni

* on a non-fee, expenses only, basis

[fol. 131]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT NO. 15

1118 W. Rosewood
San Antonio, Texas 78201

November 24, 1963

Mrs. John F. Kennedy
The White House
Washington, D. C.

Dear Mrs. Kennedy:

I have been shocked and filled with grief by the assassination of President Kennedy. I understand how terrible this tragedy must be for you, as it is for the nation; and my wife and I wish to extend to you and your children, and through you to Mr. Kennedy's family, our deepest sympathies.

I disagreed with President Kennedy on many political matters. You may know that the Attorney General petitioned the Subversive Activities Control Board to order me to register under the McCarran Act as a Communist. But whatever the political differences I had with President Kennedy, I believe that he earnestly sought to make this a better world, a peaceful world, a more reasonable world, with increased opportunities for all men.

Your husband's noblest actions and statements will live as an inspiration to all future generations. His death is a very deep loss for all of us.

Very sincerely yours,

John W. Stanford

[fol. 132]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT No. 16

1118 W. Rosewood
San Antonio, Texas 78201

December 25, 1963

Gus Hall-Benjamin J. Davis Defense Committee
22 East 17th Street, Room 1225
New York 3, New York

Attention: Mrs. B. C. Colón

Dear Mrs. Colón:

I thought you would be interested in the enclosed letter to Dr. Harry F. Ward, even though I'm sure I've already written you about most of the matters I discuss with him.

I'm also enclosing another check for $5.00.

The Court of Appeals ruling was a magnificent victory. I would think that it follows from this ruling that all registration orders are unenforceable. However, the right of the SACB to continue issuing orders as a form of harassment still stands, and we need to point out the harm that this harassment does our country.

In regards to Oswald, I think that one line of reasoning I've seen in THE WORKER and elsewhere is false and indirectly harms the struggle against the McCarran Act.

The question is raised: "Why wasn't Oswald kept under surveillance?" And the answer: "It could be because he was a government agent of some sort."

Putting the question this way assumes 1) that Communists or persons who proclaim themselves Marxists are ordinarily kept under surveillance in situations that require maximum security for the President and/or 2) that there might be some logical reason why Communists or persons who proclaim themselves Marxists should be kept under surveillance.

Assumption number 2 is absolutely false.

Assumption number 1 is in all probability false. There are undoubtedly persons who believe the lies about the nature of Communism contained in the McCarran Act. But the FBI, in charge of surveillance, *knows* almost first-hand, through its many informers, that Communists reject terrorism and conduct themselves strictly according to democratic norms. It would be completely illogical for the FBI to keep Communists or persons who proclaimed themselves as Marxists under surveillance in order to protect the president.

Cordially,

[fol. 133]

GUS HALL - BENJAMIN J. DAVIS
DEFENSE COMMITTEE

Room 1225

22 East 17th Street, New York 3, New York

Phone: WA 4-1081

Elizabeth Gurley Flynn
Chairman

Cyril Philip
Treasurer

December 18, 1963

Dear Friend:

We wish to share with you our joy in the partial victory against enforcement of the McCarran Act won yesterday when the U. S. Court of Appeals unanimously reversed the lower court conviction of the Communist Party.

The Court of Appeals held first, that to compel officers of the Party to sign registration documents violates their privilege against self-incrimination; and second, that the government failed to prove that any person other than the officers was available and willing to sign such documents. At the same time, the Court of Appeals affirmed the lower court's registration orders in the "front" cases against the

American Committee for Protection of the Foreign-Born, the Jefferson School and the May Day Committee.

At this moment, we do not know what steps the Government will take next. But we assume that it will not let the matter rest, and will probably appeal the decision to the Supreme Court. We must use this victory to strengthen and intensify our continuing fight.

Nor do we know just how this decision will affect the 37 membership cases, including yours. Two cases were scheduled for hearing before the S.A.C.B. in New York this morning, but last night the Department of Justice called our attorney, Mr. John Abt, and suggested postponement of the hearings for 60 days. As soon as we learn what action they intend to take, we shall inform you without delay.

In the meantime, we are greatly heartened by this decision, not only because it is a good omen, but it provides us with added ammunition for your defense. And it grants us the precious gift of time in which to inform and arouse greater numbers of the American people as to their stake in the struggle against the McCarran Act. It is their many-sided support of the legal defense we conduct that will be decisive in the long run.

We would welcome your questions and comments on this matter.

Sincerely yours,

HALL-DAVIS DEFENSE COMMITTEE

/s/ B. COLÓN
B. Colón, Secretary

[fol. 134]

GUS HALL - BENJAMIN J. DAVIS
DEFENSE COMMITTEE

Room 1225

22 East 17th Street, New York 3, New York

Phone: WA 4-1081

Elizabeth Gurley Flynn
Chairman

Cyril Philip
Treasurer

December 17, 1963

Mr. John W. Stanford
1118 West Rosewood
San Antonio, Texas

Dear Mr. Stanford:

This is to confirm telegram just sent you, reading as follows:

MERRY CHRISTMAS. COURT OF APPEALS TODAY REVERSED LOWER COURT CONVICTION COMMUNIST PARTY FOR FAILING TO REGISTER UNDER McCARRAN ACT. AFFIRMED REGISTRATION ORDERS IN SEVERAL FRONT CASES. DETAILS LATER.

We wired you the news, although the news services are already carrying it, because the Texas press may not see fit to print it, or may bury it.

Our attorneys do not yet have the text of the decision and we cannot issue any detailed report on it as yet. But what we do know is that the reversal was based on two grounds:

1. That to compel the officers of the Party to sign registration documents violates their privilege against self-incrimination, and
2. That the government failed to prove that any person other than officers was available and willing to sign.

At the same time, the U. S. Court of Appeals affirmed the registration orders in the "front" cases against the American Committee for Protection of Foreign-Born, the Jefferson School and the May Day Committee.

Of course, both decisions can be appealed to the Supreme Court. Also, in the Communist Party case, the Appeals Court stated that regarding the second ground could be taken back to the lower court for re-trial.

How these decisions will affect the membership registration cases and others, the attorneys will not venture to say until they have studied the text of the decisions.

In the meantime, we feel that this is a very important partial victory, and a spur to the many struggles still ahead.

Will write tomorrow in reply to your recent correspondence.

Sincerely,

/s/ B. Colón
B. Colón, Sec'y

[fol. 135]

(Western Union Telegram)

DB594

D NA197 PD 1 EXTRA NEW YORK NY 17 518P EST

JOHN W STANFORD, DLR 630PM

1963 DEC 17 PM 4 55

1118 WEST ROSEWOOD SAN ANTONIO TEX

MERRY CHRISTMAS. COURT OF APPEALS TODAY REVERSED LOWER COURT CONVICTION COMMUNIST PARTY FOR FAILING TO REGISTER UNDER McCARRAN ACT. AFFIRMED REGISTRATION ORDERS IN SEVERAL FRONT CASES. DETAILS LATER.

B COLON SECRETARY

HALL DAVIS DEFENSE COMMITTEE

(26).

[fol. 136]

GUS HALL–BENJAMIN J. DAVIS
DEFENSE COMMITTEE

Room 1225

22 East 17th Street, New York 3, New York

Phone: WA 4-1081

Elizabeth Gurley Flynn
Chairman

Cyril Philip
Treasurer

December 11, 1963

Mr. John W. Stanford
1118 W. Rosewood
San Antonio, Texas 78201

Dear Mr. Stanford:

This morning we received the two copies of your statement of exceptions to the S.A.C.B. registration order. Now I know why we haven't heard from you for a while—you were busy working up this latest masterpiece. I think the statement is impressive. Am equally impressed by your initiative in drawing up your own statement to be submitted in addition to anything the attorneys will do.

One copy of the Exceptions is in Miss Flynn's hands now; and I am mailing the second copy to Norval in connection with the Texas brochure. Norval is working out a very original approach along these lines: The Story of the Two Johns (Kennedy and Stanford)—developing the point that the whole scheme of things as they are (capitalism, the power structure?!) is so far gone in corruption, deterioration etc. that the same forces that made the assassination possible are the ones that gave rise to the McCarran Act which victimizes you.

Norval is willing to offer his manuscript with the understanding that changes may be necessary taking into account our Committee's policy and your own personal situation.

There will, of course, be ample opportunity for discussion.

What do you think?

By the way, Norval told me today that his little boy has been in the hospital the last two weeks with a kidney infection, which made it difficult to proceed with this project as quickly as he had hoped.

I do hope the barrage of phone threats etc. has tapered off. This must be a very trying time for you and your wife.

Warmest regards.

Sincerely,

/s/ B. Clara Colón
B. Colón, Secretary

Hall-Davis Defense Committee

CC N. Welch

[fol. 137]

GUS HALL - BENJAMIN J. DAVIS
DEFENSE COMMITTEE

Room 1225

22 East 17th Street, New York 3, New York

Phone: WA 4-1081

Elizabeth Gurley Flynn
Chairman

Cyril Philip
Treasurer

December 4, 1963

Mr. John W. Stanford
1118 W. Rosewood
San Antonio, Texas 78201

Dear Mr. Stanford:

With regard to the Texas brochure, I do agree with you that it is more necessary than ever.

In view of the events of the past two weeks, perhaps the emphasis and some of the content would change. Although the content of the Open Letter is as valid as ever, the central feature should not be the Open Letter. I agree with the suggestions contained in your letter of November 26th, which would serve to relate the essence of your case, and of the whole McCarran Act, to recent events. In sending Mr. Welch a copy of this letter, I shall attach copy of that section of yours of the 26th which refers to the brochure.

Am also in agreement with you on the use of the term "Power Structure." Perhaps Mr. Welch can use his special talents to improve on it.

In my opinion, the addition of 10 new membership cases does not detract, but rather adds to the importance of this particular brochure. The Texas case embodies in sharper form all the issues of importance in all the other membership cases. Perhaps we can make that point, too, in the course of writing the text.

Sincerely yours,

HALL-DAVIS DEFENSE COMMITTEE

/s/ CLARA COLÓN
B. Colón, Secretary

[fol. 138]

No. 1636
12/3/1963

RECEIVED OF .....

Five and ..... 00/100 Dollars

Contribution

GUS HALL–BENJAMIN J. DAVIS
DEFENSE COMMITTEE
ROOM 1225
22 EAST 17TH STREET
NEW YORK 3, N. Y.

$5.00 /s/ COLÓN

(Handwritten notation—Makes total of 218.44 + 1.50)

[fol. 139]

No. 1635
12/3/1963

RECEIVED OF .....

Seventy-Two and ..... 45/100 Dollars

Contribution

/s/ Colón

Gus Hall–Benjamin J. Davis
Defense Committee
Room 1225
22 East 17th Street
New York 3, N. Y.

$72.45

[fol. 140]

1118 W. Rosewood
San Antonio, Texas 78201

November 30, 1963

Gus Hall-Benjamin J. Davis Defense Committee
22 East 17th Street, Room 1225
New York, New York 10003

Attention: Mrs. B. C. Colón

Dear Mrs. Colón:

Thanks for your letters of November 26 and 27. I really appreciated the special delivery. And thanks for sending Sean O'Casey's letter, which was beautiful.

Everyone in this part of the country has doubts about the Dallas police department. Any clippings you'd send on this matter would be superfluous.

I have tear sheets from the newspapers here on Oswald, local stories concerning the beating of his wife, the anti-Soviet book he was writing, people who knew him, etc. I imagine the New York press has carried all of this. If not, let me know; and I could send the sheets to you, to the WORKER, or to someone else you might suggest.

I have the person who sent you the $1.50 dividend check on my mailing list. He had written me after seeing publicity about my case in the local newspapers.

There was a story in last night's late edition of the SAN ANTONIO NEWS saying my police guard had been withdrawn, since I survived the 72 hours, but I did not get to see it. I hear one of the TV stations carried shots of my house, when the threat was first made, but I did not get to see this either.

I enclose my check for $72.45 and an endorsed check for $5.00. A copy of my letter to the persons who sent me the last check is also enclosed.

Cordially,

John W. Stanford

[fol. 141]

GUS HALL - BENJAMIN J. DAVIS
DEFENSE COMMITTEE

Room 1225

22 East 17th Street, New York 3, New York

Phone: WA 4-1081

Elizabeth Gurley Flynn
Chairman

Cyril Philip
Treasurer

November 26, 1963

Mr. John W. Stanford
1118 W. Rosewood
San Antonio, Texas 78201

Dear Mr. Stanford:

Just received yours of November 21st. Tomorrow I expect we can ship by parcel post 200 of the pamphlets to you. Not certain at this moment whether we can send more. But if we can manage it, will let you know well in advance of your December 13th mailing.

The notation about "legal defense" on your receipts was in response to a request you had made, and I thought it applied to all contributions you forwarded. Thanks for correction. Receipt #1608 enclosed, with appreciation. It did not occur to us to wonder about your personal contribution—we've been so concerned about doing all necessary and possible in your case, recognizing the special difficulties under which you are making a magnificent fight.

During the past gruesome week-end, I couldn't help wondering whether the events in your state had any particular repercussions in your city and whether you had been subjected to any special annoyance.

There has been a positive development in one McCarran Act case—that of Mr. Robel in Seattle. We hear from our attorney, Mr. Abt, that on November 21st, Judge Lindberg ruled to postpone the trial in Mr. Robel's case until a decision is made in the passport case of Miss Flynn and/or decision in the case of Mr. Brown under the Landrum-Griffin Act.

Keep us posted. Best wishes and regards.

HALL-DAVIS DEFENSE COMMITTEE

/s/ B. COLÓN
B. Colón, Secretary

[fol. 142]

GUS HALL–BENJAMIN J. DAVIS
DEFENSE COMMITTEE

Room 1225

22 East 17th Street, New York 3, New York

Phone: WA 4-1081

Elizabeth Gurley Flynn
Chairman

Cyril Philip
Treasurer

November 14, 1963

Mr. John W. Stanford
1118 West Rosewood
San Antonio, Texas 78201

Dear Mr. Stanford:

We're glad we are able to cover the cost of your latest mailing all at one time, although at first I didn't think we could make it. Check No. 415 for $118.76 enclosed. Your second letter is, I think, a very effective continuation of the fight. Just received copy of Mr. Welch's letters of Nov. 4th and 13th. Am pleased to note that both of you are getting down to brass tacks on the brochure. With all that philosophy swirling over my head, I thought for a while neither one of you cared about getting out the brochure after all. (I'm sure now that I'm in line for being called "anti-theoretical").

Have sent Mr. Welch some material on the McCarran Act—he wants to become thoroughly familiar with the subject. Do you think you can expand the biographical notes somewhat?

The responses you have been getting are most interesting.

Please let us know when you get the S.A.C.B. order resulting from the hearing.

Best wishes and regards.

Cordially,

/s/ Clara Colón
B. Colón, Secretary

[fol. 143]

1118 W. Rosewood
San Antonio, Texas 78201

November 13, 1963

Gus Hall-Benjamin J. Davis Defense Committee
22 East 17th Street, Room 1225
New York, New York 10003

Re: Testimony of Rosalie Urquizo

Attention: Mrs. B. C. Colón

Dear Mrs. Colón:

One of the most interesting aspects of my SACB hearing—to me—was the information brought out in Mr. Forer's cross-examination of Rosalie Urquizo. I have not seen this entire testimony, but the excerpts from the cross-examination that Mr. Forer sent me were included in my November 4 mailing.

The way I understand Mrs. Urquizo's testimony, she was an informer paid by the FBI in 1951 and 1952, then again in 1959 to 1963. In 1951 and 1952 she informed on meetings of the San Antonio chapter of the Unitarian Fellowship for Social Justice. She again informed on the San Antonio UFSJ in 1959 and 1960. She informed on the Communist Party after she joined the CP in April of 1961. During a part of the time she was paid by the FBI she informed on PASO.

Several of my friends who have read this cross-examination—these excerpts—do not have the same interpretation as mine, just stated. A part of the difficulty, I think, arises from the numerous asterisks, which I interpret as omissions. There are even asterisks between the second question and the answer to the second question!

Since these excerpts are going to be used in the brochure that the Hall-Davis Defense Committee is putting out on my case, I think it would be good if some of the omissions could be filled in, at least enough to remove all doubts about the facts Mrs. Urquizo testified to. Perhaps it would also be good to include the question and answer where Mr.

Forer first establishes the fact that Mrs. Urquizo was paid by the FBI in 1951 and 1952. Some people have thought that these dates were a typographical error.

I am sending a copy of this letter to Mr. Forer. Though I know he is very busy, I would like to ask that he take the time to send you this additional information.

In a parenthetical note included with the cross-examination excerpts he sent me, Mr. Forer stated that Urquizo spied on the Unitarians and PASSO (both spellings are correct) [fol. 144] *before* joining the CP. The fact that she spied on PASSO before joining the CP is not brought out in the excerpts from the cross-examination sent to me. If she so testified, I hope that Mr. Forer will furnish you with the relative questions and answers.

What makes this testimony so interesting to me is that I am almost certain that no chapter of UFSJ existed here in San Antonio in 1951-1952 and that Mrs. Urquizo had no connection with the Unitarian church at that time. I cannot state this of my own knowledge, since I was not connected with the church or UFSJ in those years. But persons who were members of the church then cannot remember any UFSJ or any Rosalie Urquizo.

Persons who knew Rosalie Urquizo in 1951-1952 remember her only as being active in union struggles. Could it be that she was paid by the FBI to inform on her fellow-workers? I do not know the truth of the matter. But if she was informing on her fellow-workers, I can understand why she would not want to say so in public, even under oath.

I'm sure all this has no legal bearing on the results of my hearing. But if it could be established that UFSJ did not exist in San Antonio in 1951-1952, I think this would make an interesting footnote to the reprint of excerpts from her testimony in the projected brochure. The footnote would not speculate on whom she was informing on, but would simply state that she could not be informing on UFSJ, which did not exist at that time. Who knows?—perhaps some interested reader might dig up the facts about whom she was informing on.

Perhaps there might be some enterprising newspaper reporter that you know—from the NATIONAL GUARDIAN or from some other paper or magazine—that might want to explore this angle. A few long-distance phone calls would be required to verify the existence or non-existence of UFSJ in 1951-1952. The national office of UFSJ could be contacted. Rev. Napoleon W. Lovely, minister of the Unitarian church here at the time, could be contacted. And if it turned out that UFSJ did not exist, the reporter might even want to contact Mrs. Urquizo for additional information.

The national headquarters of UFSJ is in Washington, D.C., in the same building as the American Friends Service Committee: 245 Second Street, N.E., phone LIncoln 7-0254. Mr. Robert E. Jones is the national Executive Director of UFSJ.

The last address I have for Rev. Napoleon W. Lovely is 600 Third Ave., S.E., Cedar Rapids, Iowa. I wrote him on October 12 concerning Mrs. Urquizo's testimony, but he did not answer my letter.

Mrs. Urquizo lives in San Antonio at 3623 El Paso. She is not listed in the new telephone book, but the previous book gave her phone as GE 2-5832. If this number has been changed, perhaps the correct number could be obtained [fol. 145] from her mother, Mrs. Polanco, who lives at 2102 S. Nueces, CA 4-6955.

I suggested that the national office of UFSJ would be able to verify the existence or non-existence of a San Antonio UFSJ in 1951-1952 on the basis of present UFSJ practice. National UFSJ issues charters to all local UFSJ groups and membership cards to all members. I assume this was also the practice in 1951-1952.

Sincerely yours,

John W. Stanford

/jws

cc: Joseph Forer, Esq.
Mr. Welch

P.S. I think it particularly important to follow up every lead that might help trade-unionists to see how the McCarran Act and the FBI informer system hurt labor. It seems to me that many trade-unionists have a blind spot when it comes to the role of anti-Communism. As you know, I sent my two mailings to all local trade union officials whose names and addresses I could obtain. I have since received three uncomplimentary letters from trade-unionists—the only uncomplimentary letters I received from anyone—and three of my letters returned marked "refused."

[fol. 146]

1118 W. Rosewood
San Antonio, Texas 78201

September 27, 1963

Gus Hall-Benjamin J. Davis Defense Committee
22 East 17th Street, Room 1225
New York 3, New York

Attention: Mrs. B. C. Colón:

Dear Mrs. Colón:

I enclose a copy of a letter I am sending today to Mr. Melvin L. Wulf of the ACLU, a copy of which—along with a copy of this letter—is also being sent to Messrs. Abt and Forer. I hope the attorneys will pardon me for the carbon copies, but I just don't have the time to write separate letters. I will also send along to you with this letter another letter, discussing defense questions that would not be the concern of the attorneys.

As you've noticed from the clippings I've sent, the use of paid FBI informers in a number of organizations has caused something of a furor in the state. It seems to me that the SAN ANTONIO NEWS editorial and the statements by County Commissioner Albert Peña and Congressman Henry B. Gonzalez, as well as the local GI Forum

statement, are reflections of a strong popular resentment against this police-state technique.

The FBI in Washington now states that the informers Lowery and Urquizo were not informing on the organizations, but merely on the activities of Communists in the organizations. And the FBI states that the informers received orders to spy on the GI Forum, NAACP, PASO, Unitarian groups and others not from the FBI—but from the Communists!

I don't know what the reaction is in regards to the other hearings. (From the schedule sent me by Mr. Forer, I would assume that the McCarran Act hearings of Benjamin Dobbs and William C. Taylor have already taken place.) But from my point of view here in Texas, now is the time to hit and hit hard at the FBI informer system. This may be the case nationally. If so, perhaps your committee could influence THE NATION or some other liberal publication to do a story on this question.

I need more factual information to combat the present fairy tale that the FBI is putting out (paragraph 3, above) and that is being confirmed in statements to the press by informer Lowery. If you, or one of the attorneys, could [fol. 147] furnish me with a list of the McCarran Act hearings to date, the names of the informers in each case, and a list of the organizations they spied on, this would be very helpful. It would also be helpful if I had information on the nature of their reports to the FBI. Any other information about the FBI, or books you could refer me to, would also be helpful, of course.

I notice in news stories that certain reports to the FBI were given to Mr. Forer to examine. I would like to know whether I have the right to examine such reports. I would like to know the nature of some of the reports to the FBI about such organizations as PASO, GI Forum, NAACP, etc. If information in some of the reports would refute the statements made by the FBI and referred to above, I would like to have photographs of the reports sent to me. Would there be anything illegal in my releasing information in these reports? I would like to ask that Mr. Forer

[fol. 149]

IN THE 57TH JUDICIAL DISTRICT COURT OF
BEXAR COUNTY, TEXAS

APPLICANT'S EXHIBIT NO. 22

(See opposite) ☞

answer the questions I raise in this paragraph. I am willing to go through whatever channels necessary to get these reports if necessary—a letter to the SACB, etc.

I have heard, but cannot confirm, that the informer Lowery was an officer of the GI Forum, attended state policy-making meetings, or something of the sort. Do the FBI reports reveal this? If so, what were the nature of his activities in the GI Forum?

I think the position taken by the FBI in this case should be exposed and should not go unanswered.

If the FBI is lying in its statements that the organizations mentioned were not reported on, but only the activities of Communists, would there be any way to get a retraction by a responsible official of the FBI, even reopening the hearing if necessary. I don't know what the legal technicalities are, but the core of the matter is that the McCarran Act is aimed against all democratic groups, including the Communists but not limited to them. An exposure of the nature of the FBI spy system helps make this clear to people.

Sincerely,

John W. Stanford, Jr.

[fol. 148]

GUS HALL - BENJAMIN J. DAVIS
DEFENSE COMMITTEE

Room 1225

22 East 17th Street, New York 3, New York

Phone: WA 4-1081

Elizabeth Gurley Flynn
Chairman

Cyril Philip
Treasurer

June 13, 1963

Mr. John W. Stanford
315 Adams
San Antonio 10, Texas

Dear Mr. Stanford:

We are informed that you have been cited by Attorney General Robert Kennedy to appear before the Subversive Activities Control Board under the membership provisions of the "Communist action" section of the McCarran Act.

As you may know, we have been conducting the defense of all victims of the McCarran Act under the "Communist action" section, and stand ready to take up your defense as well.

The procedure we suggest that you follow is that you send to our senior counsel, John J. Abt, the citation you have received together with your written authorization for him to represent you in the proceedings. His address is: Suite 607, 320 Broadway, New York 7, N. Y.

Please feel free to take up with Mr. Abt any special problems you may have in this connection, and let us hear from you. It would help us, in drawing up press releases on your case, to have a short biography.
With warmest personal regards,

Sincerely yours,

Hall-Davis Defense Committee

/s/ Clara Colón
B. C. Colón, Secretary

ALL POINTS OF VIEW

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149

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CUBA

Books in print (excluding travel guides); most recent books or revised editions listed first. Please use code number that follows price in ordering.

THE WAR FOR CUBA, Rowman and Littlefield, to be published Dec., 1961, or Jan. 1962,* 128 p., hardcover $3.95—C110. paperback $1.95—C111.

A pictorial report on the Spanish-American War, compiled from the files of United Press International NewsPictures.

Foner, Philip S., CUBA: FROM SPANISH COLONY TO AMERICAN COLONY TO INDEPENDENT NATION, VOL. I, International Publishers, to be published Nov., 1961,* hardcover $2.75—C112. paperback $1.75—C113.

Dr. Foner, who formerly taught history at the College of the City of New York, is the author of a number of historical works, including the definitive **Life and Writings of Frederick Douglass.** His study of Cuba begins with the discovery of the island by Columbus, and this first volume ends with the annexationist movement in 1845. In preparation are other volumes which bring Cuban history through the 1959 revolution and up to date.

Guevara, Ernesto Che, CHE GUEVARA ON GUERRILLA WARFARE, official Pentagon translation, Frederick A. Praeger, 1961, 119 p., $4.00—C114. translation by Joseph P. Morray, published under title **GUERRILLA WARFARE,** Monthly Review Press, 1961, 127 p., $3.50—C115.

". . . unquestionably destined to become an important historical document . . . . In this short work, the chief planner and administrator of the Cuban economy sums of the experience of the Cuban Revolution and draws the necessary lessons for other peoples suffering under the cruel and corrupt oppression of régimes like Batista's."—**Monthly Review,** April, 1961.

James, Daniel, CUBA, THE FIRST SOVIET SATELLITE IN THE AMERICAS, Hearst Corporation (Avon book), 1961, 320 p., paperback .75—C116.

Written by the author of **Red Design For The Americas—Guatemalan Prelude.** "This book is essentially the fruit of more than fifty interviews conducted with leading exiles from Castro's Cuba . . . . They represent, as far as can be determined, almost all of the important anti-Castro, anti-Batista groups and currents which existed at the time of writing . . . . My sole objective in writing the book was to lay bare, in the best way I could, the strategy and technique by which the Communists conquered Cuba." —Author's Preface.

Matthews, Herbert L., THE CUBAN STORY, George Braziller, 1961, 318 p., $4.50—C117.

The author, Latin American editor for the **New York Times,** tells the Cuban story from its beginnings, through the triumph of the 26th of July movement, the expropriation of American property, the growing tension between Cuba and the United States heightened by Castro's turning to Russia for support, and

*Orders placed before publication will be shipped as soon as books are available.

the mounting opposition by the Cuban exiles leading to the first attempts at invasion to overthrow the Castro regime.

Casuso, Teresa, CUBA AND CASTRO, Random House, 1961, 249 p., **$5.00—C118.**

Dr. Casuso was Cuba's ambassador to the United Nations until she resigned in October, 1960, and took asylum in the U.S. She writes that the Cuban Revolution was handed to the Communists ". . . on a silver platter by a man with a disordered mind, a man fortunate in war but inept at peace, an absolutist obsessed with power and personal glory."—Chapter I.

Pflaum, Irving Peter, TRAGIC ISLAND: HOW COMMUNISM CAME TO CUBA, Prentice-Hall, 1961, 196 p., **$3.95—C119.** OUT OF PRINT

"The author is . . . foreign correspondent for the Chicago **Sun-Times** . . . . Mr. Pflaum's central theme is that within the Cuban revolution itself and the cold war milieu in which the world exists were forces inevitably destined to convert Castro's movement into a Sino-Soviet weapon against the United States." —**Publishers' Weekly,** 6 12 61.

Weyl, Nathaniel, RED STAR OVER CUBA, Devin-Adair, second revised printing, April, 1961, 248 p., hardcover **$4.50—C120.** paperback, further revised, published by Macfadden Publications (Hillman book), July, 1961, 224 p., .50—C121.

The author has served as Latin American research chief for the Board of Governors, Federal Reserve System. His point of view may be judged from this quotation from his new opening chapter, written June 22, 1961: "The failure of American policy toward Cuba was largely due to the activities of appeasement-minded officials in the State Department, Castro apologists in Congress and an influential clique of foreign correspondents who systematically misrepresented the Communist dictatorship in Cuba as a high-minded experiment in economic democracy and social justice."

Taber, Robert, M-26, THE BIOGRAPHY OF A REVOLUTION, Lyle Stuart, 1961, 348 p., **$4.95—C122.**

The author, Executive Secretary of the Fair Play for Cuba Committee, was a CBS newsman in Cuba in the latter part of the Revolution. "A detailed military history of the six years of the Cuban revolution, the 'Movimiento 26' that began July 26, 1953 . . . Fidel Castro, the author says, is neither a Communist nor the tool of anyone."—**Publishers' Weekly,** 6 5 61.

Miller, Warren, 90 MILES FROM HOME, Little Brown, 1961, 279 p., hardcover **$3.95—C123.** paperback published by Fawcett Publications (Crest book), 1961, 256 p., .50—C124.

The author, an American novelist who last returned from Cuba the day before the U.S. broke off diplomatic relations, visited and interviewed Cubans of all attitudes toward the Revolution—enthusiastic (the majority), lukewarm, and opposed—and he presents their words and feelings with understanding and humor. He talked with "the man in the street," Cuban government officials, writers, artists, and with counterrevolutionaries in Florida. The book contains the first translations into English of the anti-imperialist songs of the popular Cuban folksinger, Carlos Puebla.

Sartre, Jean-Paul, SARTRE ON CUBA, Ballantine Books, 1961, 160 p., paperback .50—C125.

An analysis of the background, program, and ideology of the Cuban Revolution by the noted French existentialist philosopher. The author states that during his visit to Cuba last year he came to consider Fidel Castro one of his few friends.

Youngblood, Jack, and Robin Moore, THE DEVIL TO PAY, Coward-McCann, 1961, 320 p., $4.50—C126.

"The recent years of Jack Youngblood, a completely amoral flier and gunrunner from Arkansas who worked for Fidel Castro, though, by his account, deploring Castro's Communist connections. It is hard to know how much of this unsavory account of murder, kidnapping, and double-crossing to believe." —**Publishers' Weekly,** 3/16/61.

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". . . will probably become a standard source of information on U.S.-Cuban relations. Dr. Smith, of Texas Lutheran College, thoroughly documents the interaction of United States business interests, the State Department and Cuba over the years. He made considerable use of U.S. national archieves for the study. Dr. Smith believes the inability and unwillingness of the U.S. government to support economic and social change in many poor countries stem largely from the pressure of United States business to maintain the **status quo.**"—Frank L. Cinquemani, **Library Journal,** 2/15/61.

Roca, Blas, THE CUBAN REVOLUTION, New Century Publishers, 1961, 127 p., hardcover $2.50—C128, paperback $1.25—C129.

"This book contains the full text of the main political report of Blas Roca, General Secretary, to the Eighth National Congress of the Popular Socialist Party of Cuba, held in Havana, in August, 1960."—Publisher's note "To the Reader."

Huberman, Leo, and Paul M. Sweezy, CUBA, ANATOMY OF A REVOLUTION, Monthly Review Press, second edition with new material added, 1961, 208 p., hardcover $3.50—C130, paperback $1.75—C131.

The authors are editors of the magazine **Monthly Review.** ". . . the only extended study yet made of the Cuban Revolution as a revolution, and it is done by two professionals—left-wing socialists who apply the 'scientific' measuring rods of their own brand of Marxism."—Herbert L. Matthews, **The Annals of the American Academy of Political and Social Science,** Nov., 1960. "Most exhaustive study of the Revolution in English; pro-Castro."—Sue Anderson, **Hispanic American Report,** published June, 1961.

North, Joseph, CUBA: HOPE OF A HEMISPHERE, International Publishers, 1961, 95 p., hardcover $2.00 —C132, paperback .95—C133.

The author, foreign editor of **The Worker,** made two visits to Cuba in 1959-1960. "These pages set as their purpose the need to prevent any open armed or concealed assault on this gallant people."—Foreword.

Mills, C. Wright, LISTEN, YANKEE, Ballantine Books, 1960, 192 p., paperback .50—C134.

The author, Professor of Sociology at Columbia University, reports the Cuban Revolution from the

All Points of View is a new kind of book service. We believe that the truth about any subject cannot be found by examining only one point of view or isolated facts. In view of the extreme complexity of social life, one who desires to approach as near as possible to the truth must take into consideration all basic facts and all points of view.

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Cubans' point of view. ". . . though we may not like these expressions from the Cuban revolutionaries, I think we should read them with care, because they affect our whole Latin American policy." —Mrs. Eleanor Roosevelt, **New York Post**, 12 14 60.

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The author was the **New York Times** correspondent at Havana from 1937, when she succeeded her late husband, to 1961. The book covers the period from Batista's rise to power through the Cuban Revolution. "For an understanding of events in 20th-century Cuba . . . no single volume could be more useful . . . ." **Foreign Journal**, 9 1 59.

Dubois, Jules, FIDEL CASTRO: REBEL—LIBERATOR OR DICTATOR?, Bobbs Merrill, 1959, 389 p., $5.00—C136.

The author, Latin American correspondent for the **Chicago Tribune**, personally covered a great deal of the Cuban Revolution. "The book is full of . . . names, dates, and truthful, unabridged translations of many of the letters, radio broadcasts, speeches, and manifestos that issued from the prolific pen of Fidel Castro." **Saturday Review**, 4 4 59.

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The author was chief of the Foreign Research Division of the Federal Reserve Bank of New York, and before writing this book he had worked closely for some years with the Cuban Finance Ministry and the Central Bank. ". . . a scholarly contribution to the economic history of Cuba . . . ." F. W. Fetter, **Journal of Political Economy**, June, 1951.

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The author, now Professor of Sociology at the University of Florida, studied the problems of rural Cuba for a year spent there as rural sociologist for the U.S. Department of State. He reports his findings on population, social caste, family relations, education, recreation, and means of livelihood.

Manach, Jorge. MARTI — APOSTLE OF FREEDOM. Devin-Adair, 1950. 363 p., **$4.50** —C140.

The author is a Cuban writer and educator and a former Secretary of State of his country. ". . . excellent translation of the ablest biography of the Cuban liberator."—**New York Herald Tribune**, 6 4 50. The Cuban Revolution of today draws much of its inspiration from the thought of Marti, the outstanding hero of the revolution for independence from Spain.

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HISTORY WILL ABSOLVE ME (10 16 53), Lyle Stuart, 1961, 79 p., **$1.00**—C159.

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Julien, Claude, CUBA: REVOLUTION AGAINST ECONOMIC IMPERIALISM and **CHURCH AND STATE IN CUBA: DEVELOPMENT OF A CONFLICT,** reprinted from **Cross Currents,** Spring, 1961, 16 p., .25—164.

Mezerik, A. G., editor, CUBA AND THE UNITED STATES, International Review Service, 1960, 49 p., $2.50—C165.

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SUPREME COURT OF THE UNITED STATES

No. 869—October Term, 1963

JOHN W. STANFORD, JR., Petitioner,

vs.

TEXAS.

ORDER ALLOWING CERTIORARI—June 22, 1964

The petition herein for a writ of certiorari to the 57th Judicial District Court of the State of Texas is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.